# STVDIA ISLAMICA

COLLEGERVNT

R. BRVNSCHVIG J. SCHACHT

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G.-P. MAISONNEUVE-LAROSE
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# QUELQUES ÉTAPES ET PERSPECTIVES DE L'ÉPIGRAPHIE ARABE

C'est à la fin du siècle dernier que l'on fait habituellement remonter les débuts de l'épigraphie arabe. A cette époque en effet paraissaient dans le *Journal Asiatique*, en 1892 et 1895 exactement, deux lettres de Max van Berchem à Barbier de Meynard qui n'allaient pas tarder à connaître un vaste retentissement. L'une appelait de ses vœux la réalisation d'un *Corpus Inscriptionum Arabicarum* dont elle posait également les principes de base, l'autre situait dans cette perspective les premiers résultats obtenus par l'auteur au cours de ses voyages de prospection en territoire syrien (1). Toutes deux complétaient et précisaient ce qu'avait déjà magistralement énoncé le même Max van Berchem lorsqu'il avait défini dans un précédent article l'« archéologie arabe » et affirmé la nécessité d'envisager comme autant de documents historiques les « monuments » existant dans les pays de langue arabe, à savoir « tous les documents qui fournissent quelque donnée à l'histoire, soit par leurs formes mêmes, soit par les textes qu'ils présentent, abstraction faite des manuscrits » (2).

L'épigraphie arabe se trouvait donc fondée à cette date en tant que discipline originale, et plus spécialement en tant que science auxiliaire de l'histoire, par un véritable manifeste. Elle le devait à l'impulsion d'un savant qui allait la marquer de

(1) M. VAN BERCHEM, *Lettre à M. Barbier de Meynard sur le projet d'un* Corpus Inscriptionum Arabicarum, dans *JA*, 1892 II, pp. 305-317, et *Recherches archéologiques en Syrie. Lettre à M. Barbier de Meynard*, dans *JA*, 1895 II, pp. 485-515.

(2) M. VAN BERCHEM, *Notes d'archéologie arabe. Monuments et inscriptions fatimites* I, dans *JA*, 1891 I, part. pp. 411-413.

sa personnalité vigoureuse et œuvrer le tout premier avec ardeur dans le domaine dont il avait si bien su proclamer l'importance, saisissant d'une part l'urgence d'une tâche matérielle à accomplir, la collecte méthodique de textes nombreux et exposés à une destruction presque inévitable, abordant surtout ce travail avec le dessein généreux de mieux pénétrer grâce à lui l'esprit d'une civilisation. Autant d'idées, exprimées dès lors avec bonheur, qui survivront à leur défenseur : cinquante ans plus tard, ce seront encore aux mêmes formules que fera appel Jean Sauvaget lorsqu'il s'efforcera de présenter, dans un ouvrage d'initiation, « la valeur documentaire des inscriptions arabes » et l'intérêt que présente leur étude (1).

Cependant l'entreprise ambitieuse de Max van Berchem s'était heurtée entre temps à des écueils qui l'avaient empêchée de porter tous ses fruits et là est sans doute le deuxième point qui mérite de retenir l'attention lorsqu'on envisage l'essor insuffisant d'une science qui n'a pas répondu, tant s'en faut, aux espoirs qu'elle avait d'abord suscités. L'appel qui fixait dès 1892 un véritable plan de travail, et qui devait conditionner la plupart des publications ultérieures s'inscrivant dans la même ligne, était en effet intervenu trop tard pour le programme qu'il traçait. Non seulement le décalage était sensible par rapport aux branches de l'épigraphie classique où la quête des matériaux était, à la fin du XIX^e^ siècle, déjà sérieusement avancée et où on arrivait alors à la rédaction des premiers manuels et inventaires systématiques. Mais ce décalage allait se révéler, du fait des circonstances, impossible à combler, tandis que s'ouvraient lentement à la prospection des pays d'abord difficiles d'accès, puis bouleversés trop rapidement dans leur aspect traditionnel par la reconstruction presque totale de certaines villes ou le repeuplement de régions pratiquement abandonnées depuis le moyen âge. De jour en jour on verra ainsi s'affirmer la précarité d'une richesse épigraphique que portaient trop souvent des monuments fragiles ou à demi

(1) J. SAUVAGET, *Introduction à l'histoire de l'Orient musulman*, Paris 1943, pp. 48-49 ; cf. encore l'édition récente du même ouvrage refondue et complétée par Cl. CAHEN, Paris 1961, pp. 57-60.

ruinés et que menaçaient de toujours plus nombreuses causes de dilapidation. En se limitant même aux simples déchiffrements de textes et en abandonnant les relevés archéologiques ou topographiques détaillés qui, dans l'esprit de Max van Berchem, auraient dû être menés de pair, il n'allait guère être possible de publier correctement en temps utile ni même de sauver toujours l'ensemble de ces documents. De là cette irrémédiable « jeunesse » de l'épigraphie arabe dont on critique souvent les insuffisances en ouvrages de synthèse (1), mais dont il faut d'abord souligner — car ceux-ci expliquent celles-là — les retards préliminaires dans l'indispensable besogne consistant à rassembler convenablement les matériaux exploitables (2).

Aussi bien n'est-il pas inutile, si l'on veut prendre conscience des tâches qui s'imposent encore, de procéder à un rapide retour en arrière permettant de saisir les irrégularités d'une progression qui demeura livrée à de continuels hasards, sans oublier de jeter d'abord un coup d'œil sur la période de tâtonnements qui précéda la tentative logiquement ordonnée de Max van Berchem et qui annonçait déjà, par ses inégalités, les difficultés de l'étape suivante.

Certes cette période s'ouvrit assez tôt et connut les efforts de remarquables pionniers. Dès le début du XIXe siècle apparaissaient les premiers travaux scientifiques ayant pour objet des inscriptions arabes, à commencer par ceux du paléographe français J. J. Marcel à qui l'on a parfois décerné le titre de « fondateur de l'épigraphie arabe » (3) et qui débarqua en Égypte, parmi les membres savants de l'expédition de Bonaparte, avec un programme précis et enthousiaste méritant que l'on s'y arrête. Les preuves d'une réelle curiosité à l'égard des témoignages anciens de la civilisation musulmane ne cessèrent ensuite de se manifester ici ou là et les résultats obtenus dans

(1) Absence, aujourd'hui encore, de tout « traité d'épigraphie arabe » ; cf. Cl. CAHEN et J. SAUVAGET, *Introduction*, Paris 1961, p. 60.

(2) Sur cette « jeunesse » de l'épigraphie arabe dont « certains domaines sont encore à peine explorés » et sur l'erreur qui consisterait à considérer comme définitif le relativement maigre butin actuel, voir les remarques de Jean Sauvaget citées *supra*, p. 6 n. 1.

(3) M. VAN BERCHEM, *CIA Égypte* I, p. 9 n. 2.

certains cas, en dépit de conditions fort peu favorables, méritent toujours notre admiration. Mais ces initiatives dispersées, dont Max van Berchem avait déjà critiqué le manque de méthode et dont il suffit de choisir quelques exemples dans la liste que lui-même avait dressée des noms de ses principaux devanciers (1), ne devaient jamais dépasser le stade des travaux occasionnels conduits, sans perspective d'ensemble ni même préoccupations communes, dans la plus complète ignorance de ce qui se faisait d'une région à l'autre.

Bien sûr on ne saurait ne pas situer d'abord à leur juste place les déclarations de principe de J. J. Marcel exposant dès 1826, dans sa contribution à la *Description de l'Égypte*, le dessein qu'il avait eu de se consacrer entièrement à étudier sur le sol égyptien une « espèce de monuments » qu'il accusait ses prédécesseurs d'avoir grandement à tort négligés, à savoir ces « inscriptions coufiques, qui, quoiqu'illisibles à présent pour les modernes habitants de cette contrée, peuvent néanmoins être lues et traduites par celui qui s'est fait une étude particulière de ce système d'écriture » (2). Ces documents qui contiennent, précisait-il, « des éclaircissements utiles pour une portion de l'histoire de l'Orient » (2), mériteraient autant de recherches que les vestiges des époques plus anciennes, seuls jusqu'alors jugés dignes d'attention. Lui-même avait donc mis ses soins, non seulement à déchiffrer, reproduire et commenter les bandeaux arabes du nilomètre de l'île de Rawda au Caire, relatant parallèlement de manière fort convenable l'historique de l'édifice dont ces textes commémoraient l'érection ou la restauration (3), mais encore à réunir et confronter ses observations sur l'aspect de ces bandeaux inscrits, rédigeant un mémoire séparé qui traitait des divers types d'écriture monumentale employés par les

(1) M. VAN BERCHEM, *CIA Égypte* I, part. pp. X n. 1-4, XIII n. 1-2, et XIV n. 1-3.

(2) J. J. MARCEL, *Mémoire sur les inscriptions koufiques*, apud *Description, État moderne*, t. XV, Paris 1826, pp. 138-140.

(3) J.-J. MARCEL, *Mémoire sur le meqyas de l'île de Roudah et sur les inscriptions que renferme ce monument*, apud *Description, État moderne*, t. XV, pp. 1-135 et 387-582.

Arabes (1) et joignant à sa description du *miqyās* des dessins d'alphabets minutieusement exécutés (2). Il n'ignorait d'ailleurs pas l'importance du rôle d'initiateur qu'il jouait en l'occurrence et avait su s'en glorifier avec quelque lyrisme dans son introduction à son principal ouvrage, en même temps qu'il y dressait le bilan des négligences de voyageurs occidentaux, souvent pourtant bons observateurs en d'autres domaines, qui l'avaient précédé sur le sol égyptien et qui, de Benjamin de Tudèle à Volney en passant par Savary de Brèves et Pococke, n'avaient jamais su s'intéresser à la moindre inscription arabe (3). Mais la voie qu'il avait ainsi ouverte n'allait pas davantage être suivie et il faudra attendre presqu'un siècle pour que soient enrichies et renouvelées les considérations d'ordre paléographique auxquelles il attribuait à juste titre tant de valeur et qui constituaient pour l'époque un apport extrêmement original.

De fait ne travaillèrent après lui sur le terrain pendant plusieurs décades que de moins attentifs déchiffreurs d'inscriptions, dont les intentions témoignent d'un changement notable par rapport aux attitudes antérieures (4), mais dont la bonne volonté s'accompagnait souvent d'une égale incompétence. Certes ces épigraphistes de fortune n'étaient pas seuls à s'intéresser alors, avec plus ou moins d'efficacité, aux « antiquités » arabes et des érudits mieux armés, parmi ceux qui commençaient d'illustrer en Europe l'orientalisme naissant, publiaient à l'époque des travaux dignes d'intérêt. Ainsi ne saurait-on négliger, bien qu'il ne s'agisse pas à proprement parler d'une publication épigraphique, les remarques sur les origines de

(1) J. J. MARCEL, *Mémoire sur les inscriptions koufiques recueillies en Égypte et sur les autres caractères employés dans les monuments des arabes*, apud *Description, État moderne*, t. XV, pp. 137-168.

(2) Cf. *Inscriptions et Alphabets*, apud *Description*, t. XVIII, 3e part., pl. VII-XXXVI (reproductions lithographiques des dessins de Marcel).

(3) J. J. MARCEL, *Mémoire sur le meqyas*, apud *Description*, t. XV, pp. 1-9.

(4) Attitudes de complète indifférence stigmatisées par J. J. Marcel et parmi lesquelles deux exceptions sont toutefois à noter : celle de C. NIEBUHR faisant une place dans ses ouvrages aux notations d'ordre épigraphique (ainsi dans sa *Description de l'Arabie*, Amsterdam, 1774 et Paris 1779) et, plus anciennement encore, celle de ces Franciscains de Terre Sainte qui travaillèrent à Jérusalem et à qui, selon M. VAN BERCHEM (*CIA Jérusalem* I, p. 12) « on doit, dès le XVIIe siècle, les premières observations sur l'épigraphie arabe ».

l'écriture arabe suggérées à Silvestre de Sacy par la découverte de quelques spécimens anciens de cette écriture sur papyrus (1). Surtout l'attention portée par un savant comme Reinaud, avec une subtile pénétration et de remarquables qualités d'arabisant, aux collections de sceaux, cachets et intailles à inscriptions orientales du cabinet du duc de Blacas, devait lui permettre de réaliser une œuvre qui reste, aujourd'hui encore, fort utile à consulter (2) et l'on ne doit pas moins d'égards, bien que les résultats obtenus aient été plus discutables, à la passion déployée par Michelangelo Lanci pour inventorier les diverses espèces d'inscriptions arabes anciennes, sur pierre ou sur tout autre matériau, qu'il avait à sa disposition dans les collections italiennes et qui allaient des stèles funéraires aux épigraphes sur objets d'arts mineurs (3). Ceci sans oublier les publications de moindre envergure, parfois cependant fort honnêtes, réalisées dès ce moment par quelques spécialistes à qui on avait fait parvenir les fac-similés d'inscriptions rassemblées dans un pays comme l'Espagne (4).

Mais les enquêtes menées sur place ne profitaient guère des progrès ainsi accomplis dans la lecture ou le commentaire d'inscriptions mobilières et déracinées. Elles étaient trop souvent le fait d'explorateurs ou d'archéologues non arabisants qui, tout en ayant le louable souci de vouloir noter des textes leur demeurant étrangers, ne pouvaient le faire que de manière très approximative, selon leurs maigres connaissances ou par

(1) S. DE SACY, *Nouveaux aperçus sur l'histoire de l'écriture chez les Arabes*, dans *JA*, 1827 I.

(2) REINAUD, *Monuments arabes, persans et turcs du cabinet de M. le duc de Blacas*, 2 vol., Paris 1828.

(3) M. LANCI, *Trattato delle sepolcrali iscrizioni in cufica tamurea e nischia lettera da' Maomettani operate*, 2 vol., Lucques 1840 ; *Trattato delle simboliche rappresentanze arabiche e della varia generazione de' musulmani caratteri sopra differenti materie operati*, Paris 1845.

(4) Tels les ouvrages qu'avaient pu réaliser très tôt (avec des dessins montrant leur intérêt pour les graphies dites « coufiques ») des savants comme Th. Chr. TYCHSEN, *De inscriptionibus arabicis in Hispania repertis. Commentatio*, Goettingue 1821, ou C. M. FRAEHN, *Antiquitatis muhammedanae monumenta varia*, I et II, St.-Pétersbourg 1800-1822, et auxquels on peut joindre un peu plus tard l'étude des inscriptions de l'Alhambra par J. DERENBOURG figurant en appendice à GIRAULT DE PRANGEY, *Essai sur l'architecture des Arabes et des Mores en Espagne, en Sicile et en Barbarie*, Paris 1841.

l'intermédiaire de leurs drogmans, sans chercher à pénétrer l'arrière-plan historique qui leur aurait permis d'en approfondir la signification. Dans de telles conditions furent réunis par exemple les documents provenant de régions alors lointaines, telles les notations du voyageur russe M. N. de Khanikoff, faites au cours de ses expéditions asiatiques (1) ou celles, encore plus anciennes, des officiers anglais qu'une mission diplomatique avait conduits sur le site de Ghazna en Afghanistan (2). A la même catégorie appartiendront encore, en 1861-62, les copies d'inscriptions arabes de Damas que fera exécuter à Damas un spécialiste d'épigraphie grecque comme W. H. Waddington, copies de qualité fort médiocre qui n'en seront pas moins utilisées plus tard par Max van Berchem ou ses collaborateurs (3).

C'est seulement dans la seconde moitié du XIXe siècle que l'on verra de temps en temps apparaître des relevés plus sérieux, dus à des personnages qu'intéressaient notamment la topographie historique ou les premières descriptions archéologiques d'édifices du moyen âge. Les études de ville alors menées à Damas par A. von Kremer (4) ou au Caire par A. F. Mehren et P. Ravaisse (5) par exemple, comme les publications des monuments du haram à Jérusalem par le marquis de Vogüé (6) ou des châteaux francs

(1) De son intérêt pour les vestiges épigraphiques arabes qu'il rencontrait témoignent à la fois les mentions (sans publication adjointe) qui parsèment un récit de voyage comme son *Mémoire sur la partie méridionale de l'Asie centrale* (Paris 1861) et les observations plus précises, avec reproduction et commentaire de certains textes (même si les lectures en sont peu sûres), que contenait par exemple son *Mémoire sur les inscriptions musulmanes du Caucase* dans *JA*, 1862 II, pp. 57-155.

(2) Des copies, d'ailleurs pleines d'erreurs, des inscriptions figurant sur les minarets ghaznawides de Ghazna, avaient été ainsi publiées dès 1843, dans le *Journal of the Royal Asiatic Society of Bengal*, à la suite d'un rapport relatif aux portes du tombeau de Maḥmūd (faussement identifiées alors avec les portes du temple indien de Somnath) dont des officiers anglais étaient venus assurer la cession aux Indes après la première guerre afghane ; sur les confusions engendrées par l'une de ces copies et l'attribution erronée à Maḥmūd du minaret de Bahrāmšāh, voir J. SOURDEL-THOMINE, *Deux minarets d'époque seljoukide en Afghanistan*, dans *Syria*, XXX, 1953, pp. 110-121.

(3) Cf. M. VAN BERCHEM, *Recherches archéologiques en Syrie* dans *JA*, 1895 II, p. 487 n. 1.

(4) A. VON KREMER, *Topographie von Damaskus*, Vienne, 1854-55.

(5) A.-F. MEHREN, *Cahirah og Karafal*, Copenhague 1870 ; P. RAVAISSE, *Essai sur l'histoire et la topographie du Caire d'après Makrîzî*, Paris 1887-1890.

(6) Cf. M. DE VOGÜÉ, *Le temple de Jérusalem, monographie du Haram*, Paris 1864, dont le chapitre VI contient les textes d'inscriptions arabes.

de Syrie par le baron Rey (1), accepteront en effet de faire une place à des observations d'épigraphie arabe. En même temps des sémitisants tels que Ch. Clermont-Ganneau ou E. Sachau (2), pour ne citer que deux noms dans une longue série, ne négligeront point de prêter attention à des textes relativement récents, parmi lesquels les fameuses inscriptions proto-arabes de Zebed et de Harrān aideront à poser le problème des origines. Enfin le goût de l'histoire locale, animant les enquêtes de bons arabisants, ne devait pas tarder à provoquer non plus quelques inventaires épigraphiques non dépourvus d'intérêt.

Il y eut ainsi en Orient l'abondante moisson des inscriptions de Damas et de Jérusalem réalisée par le consul français Henri Sauvaire (3) qui parcourait les rues de ces deux villes à la recherche d'épigraphes anciennes et traduisait d'autre part les sources arabes susceptibles d'éclairer l'historique de leurs monuments. Pour Mossoul c'était le libanais Nicolas Siouffi, vice-consul de France dans cette ville, qui accordait son attention aux antiquités musulmanes de la région, qu'il s'agît d'épigraphie (4) ou de numismatique aussi bien que des manuscrits

(1) Cf. G. Rey. *Étude sur les monuments de l'architecture militaire des Croisés en Syrie*, Paris 1871, où le texte d'une inscription arabe du Crac des Chevaliers est donné p. 46.

(2) Nombre d'inscriptions arabes sont ainsi éditées dans Ch. Clermont-Ganneau, *Études d'archéologie orientale* (depuis 1880) et *Recueil d'archéologie orientale* (depuis 1888). On notera également comme particulièrement importantes les publications des inscriptions proto-arabes découvertes à cette époque par E. Sachau (*Eine dreisprachige Inschrift aus Zebed*, dans *MPAW*, 1881, pp. 169-90, et *Zur trilinguis Zebedaea*, dans *ZDMG*, 1882, pp. 345-52 ; cf. aussi Schroeder, *Epigraphik aus Syrien*, dans *ZDMG*, 1881).

(3) De ses copies d'inscriptions, sérieuses dans l'ensemble (voir des exemples dans A. de Luynes, *Voyage d'exploration à la Mer Morte*, Paris 1871-1876), la plupart n'ont pu être qu'imparfaitement utilisées : celles de Jérusalem avaient disparu avant que Max van Berchem s'occupât du *Corpus* de la ville, tandis que celles de Damas, plus ou moins confondues avec celles de W. H. Waddington que conserve le *Recueil Schefer*, ont seulement été versées au *Répertoire* sans étude approfondie préalable. Néanmoins pour Damas les traductions françaises de ces copies avaient été publiées par H. Sauvaire lui-même dans les notes de sa *Description de Damas*, dans *JA*, 1894-1896, où il rendait accessibles les textes d'historiens arabes relatifs au passé de Damas. Comme autre témoignage de l'intérêt qu'il portait aux sources historiques, voir sa traduction de Muǧir al-Dīn : H. Sauvaire, *Histoire de Jérusalem et d'Hébron*, Paris 1876.

(4) Ses *Notes historiques et explicatives sur les inscriptions de la ville de Mossoul*, viennent notamment d'être publiées avec commentaires et corrections, par S. al-Dīwaǧī, Mossoul 1956.

anciens dont il fut un infatigable collecteur pour les bibliothèques européennes. Mais le plus constant travail en ce sens était peut-être accompli alors dans les provinces d'Occident. Là une ville comme Tlemcen était minutieusement étudiée par l'amateur passionné que fut le sous-préfet Charles Brosselard (1). Là encore les textes conservés en Espagne trouvaient de nombreux éditeurs, parmi lesquels le fort actif, sinon expert, épigraphiste R. Amador de los Rios y Villalta à qui, en dépit de ses lectures trop souvent fantaisistes, « revient le mérite d'avoir groupé le premier en monographies les inscriptions arabes de Cordoue et celles de Séville » (2). Surtout était accomplie pour la Sicile, par ce grand historien du passé musulman de l'île que fut Michele Amari, la recension à peu près complète d'un patrimoine épigraphique régional, présenté dès lors et commenté avec une science et une exactitude qui n'appelleront dans l'avenir que bien peu de rectifications (3). Les efforts étaient donc à la fois prometteurs et trop rares — vu l'ampleur du champ de recherches — et leur désordre même explique le désir, exprimé par Max van Berchem lorsqu'il se fut familiarisé avec leurs résultats, de « réunir tous ces travaux épars et de systématiser les recherches à venir » (4), s'attachant plus spécialement à ces pays du Proche Orient qui paraissaient les plus riches en inscriptions arabes, commençaient de s'ouvrir à l'exploration et avaient toujours constitué le cœur de l'empire musulman.

Aussi bien les premières années qui suivirent cette prise de

(1) De ses enquêtes résulte la publication dans la *Revue Africaine*, de 1858 à 1861, de séries d'articles étudiant avec de longs commentaires, sous le titre *Les inscriptions arabes de Tlemcen*, les principaux vestiges épigraphiques conservés dans cette ville ; cf. également Ch. BROSSELARD, *Tombeaux des Émirs Beni Zeiyân et de Boabdil*, Paris 1876. La qualité de ses déchiffrements a été soulignée, quarante ans plus tard, par W. et G. MARÇAIS, *Les monuments arabes de Tlemcen*, Paris 1903, p. II ; cf. aussi le jugement de M. VAN BERCHEM dans *Journal des Savants*, 1906, p. 411.

(2) Pour un jugement sur son œuvre qui s'échelonne entre 1880 et 1908, ainsi que pour une appréciation des tâches accomplies par les principaux éditeurs des inscriptions arabes d'Espagne pendant le XIX^e siècle, voir E. LÉVI-PROVENÇAL, *Inscriptions arabes d'Espagne*, Paris 1931, pp. XI-XIII.

(3) M. AMARI, *Le epigrafi arabiche di Sicilia*. I. *Iscrizioni edili*. II. *Iscrizioni sepolcrali*, Palerme 1875-1879.

(4) M. VAN BERCHEM, *CIA Égypte* I, p. VIII.

conscience furent-elles d'abord marquées par de frappantes réalisations se succédant rapidement. Il fallut certes renoncer à voir fonctionner, avec les collaborations et les moyens financiers rêvés, cette Commission du *Corpus* dont son promoteur attendait une transformation radicale des conditions de travail dans l'épigraphie. Néanmoins les premiers fascicules de ce que Max van Berchem devait modestement appeler les *Matériaux pour un Corpus* (1) paraissaient à partir de 1894, précédés d'un avertissement sur le projet lui-même où se trouvaient exposés de nouveau, plus fermement que dans les lettres à Barbier de Meynard, les principes préconisés pour l'élaboration de cette œuvre.

Les premières pages de ce qui avait été enfin conçu comme un travail d'épigraphie méthodique prêchaient également d'exemple. On y découvrait l'excellence des règles établies par l'auteur pour la présentation et le commentaire de textes à la valeur historique et archéologique reconnue, groupés selon un ordre chronologique tenant compte également de leur répartition par monument, illustrés par quelques planches bien choisies et exploités surtout avec de constantes références à ces données parallèles, tirées des chroniques ou autres sources littéraires, sans lesquelles leur étude ne peut que demeurer stérile. On y comprenait aussi, à travers les discussions suggérées par l'emploi de tel terme technique, de tel titre, ou la mention de tel événement débouchant sur un problème jusque là négligé, l'intérêt profond qu'un historien épris de rigueur pouvait prendre à la mise en œuvre systématique de pareils documents, difficiles d'accès sans doute et apparemment limités dans leur objet, mais susceptibles d'interprétations suggestives une fois qu'on avait pris la peine de les interroger avec suffisamment d'attention. La même vérité se trouvait encore démontrée, et de manière peut-être plus éloquente, par la publication, à peu près contemporaine, de ce choix d'inscriptions arabes de Syrie que Max van Berchem, à la suite de ses premiers voyages dans la région, s'était réservé de publier en dehors de son programme

(1) M. VAN BERCHEM, *Matériaux pour un Corpus Inscriptionum Arabicarum, Égypte I*, Caire 1894-1903 (Mém. Miss. Arch. fr., t. XIX).

général de *Corpus*, et qui demeurera le spécimen classique de « travail pénétrant et réfléchi » pour des générations d'épigraphistes (1).

A ces premières réalisations devaient ensuite s'ajouter, après de plus ou moins longs intervalles et grâce aux efforts des collaborateurs variés que Max van Berchem lui-même avait associés à son entreprise, quelques autres volumes parmi lesquels celui de la Syrie du Sud constituera l'œuvre dernière et partiellement posthume du grand arabisant génevois. Ainsi les inscriptions de Tripoli, du Crac et de 'Akkār en Syrie du Nord (2), celles de Sivas et Divrigi en Anatolie (3) et surtout celles de Jérusalem, ville et haram (4), seront successivement éditées sous le contrôle direct du promoteur de la collection, bilan déjà important à l'intérieur de cette aire épigraphique centrale qui avait été d'abord délimitée, mais bilan décevant aussi puisque trente années de travail étaient loin d'y avoir permis une prospection à peu près complète. Puis le rythme allait se ralentir à partir de la mort de Max van Berchem en 1921, deux nouvelles pierres seulement venant compléter cet édifice avec l'apparition, en 1930, du deuxième tome consacré par G. Wiet aux inscriptions du Caire (5) et, en 1954-1956, du volume des inscriptions d'Alep, mettant au jour par les soins d'Etienne Combe des relevés déjà anciens dus à Moritz Sobernheim et Ernst Herzfeld (6). Bref la fraction de territoire embrassée par ces inventaires demeurait et demeure toujours fort mince, sans qu'on puisse espérer voir désormais poursuivie dans le même esprit, sinon pour quelques cas exceptionnels (7),

(1) M. VAN BERCHEM, *Inscriptions arabes de Syrie*, Caire 1897 (Mém. prés. Inst. Eg. t. III). Pour le jugement porté sur cet ouvrage, voir J. SAUVAGET, *Introduction*, p. 50 (jugement repris dans Cl. CAHEN et J. SAUVAGET, *Introduction*, p. 59).

(2) M. SOBERNHEIM, *CIA Syrie du Nord* I, Caire 1909 (*MIFAO*, t. XXV).

(3) M. VAN BERCHEM et H. EDHEM, *CIA Asie Mineure* I, Caire 1911-1917 (*MIFAO*, t. XXIX).

(4) M. VAN BERCHEM, *CIA Syrie du Sud*, Caire 1920-1922 (*MIFAO*, t. XLIII-XLV).

(5) G. WIET, *CIA Égypte II*, Caire 1929-1930 (*MIFAO*, t. LII).

(6) E. HERZFELD, *CIA Syrie du Nord*, Caire 1954-1956 (*MIFAO*, t. LXXVI-LXXVIII).

(7) Certaines copies d'inscriptions disparues existent encore en effet dans les papiers laissés à Genève par Max van Berchem.

une tentative qui ne s'accorde plus avec les conditions actuelles de conservation des anciens ensembles urbains et qui, même au début du XX^e siècle, excédait quelque peu les possibilités réelles de travail offertes aux épigraphistes.

De fait à cette époque les publications d'inscriptions arabes, tout en affirmant par leur nombre la vitalité de la science nouvelle défendue par Max van Berchem, continuaient, pour la plupart, de n'obéir à aucune règle fixe. Si ce n'étaient plus désormais les copies défectueuses rapportées par des explorateurs qui constituaient la grande masse des matériaux édités, il s'agissait toujours de contributions dispersées dans de multiples travaux sous forme, soit d'articles mettant en valeur quelque trouvaille fortuite, soit d'appendices parfois importants accompagnant les grands ouvrages archéologiques qui commençaient alors à présenter les édifices notables de telle ou telle région. Le hasard commandait toujours les étapes de ce déchiffrement progressif, dont il ne saurait être question d'évoquer en quelques exemples la foisonnante variété, mais dont on peut tout au moins remarquer les curieuses inégalités de développement d'un territoire à l'autre, inégalités soulignées de temps en temps par l'élaboration de quelque travail d'ensemble à la perspective surtout locale.

D'un côté en effet les provinces de l'Occident musulman ne devaient plus faire l'objet que de rares enquêtes, ce qui s'explique dans certains cas par la pauvreté du matériel inédit qu'elles offraient encore aux investigations (1), mais qui tenait à

(1) Ainsi pour une région comme l'Algérie dont les maigres ressources, hormis l'exception de Tlemcen, ne devaient plus susciter d'études après qu'eurent été publiés les deux tomes, si imparfaits du point de vue de la présentation et du commentaire, du *Corpus des inscriptions arabes et turques de l'Algérie* (G. COLIN, *Département d'Alger*, Paris 1901, et G. MERCIER, *Département de Constantine*, Paris 1902), heureusement complétés quelque peu par le compte rendu magistral que leur avait consacré M. VAN BERCHEM dans *Revue Africaine*, 49 (1905), pp. 160-191.

On sait également combien, au Maroc, la tradition ancienne avait été peu favorable à la multiplication des inscriptions, ce qu'a encore démontré, après les inventaires épigraphiques consacrés à Fès (A. BEL, *Inscriptions arabes de Fès*, dans *JA*, 1917-19) ou Chella (H. BASSET et E. LÉVI-PROVENÇAL, *Chella : une nécropole mérinide*, Paris 1923), la récente publication de G. DEVERDUN, *Inscriptions arabes de Marrakech*, Rabat 1956.

de tout autres causes lorsqu'il s'agissait d'une région aussi bien pourvue de textes anciens et aussi peu explorée à cet égard que l'actuelle Tunisie (1). D'un autre côté les résultats les plus prometteurs étaient d'abord atteints dans ces pays d'Égypte, Syrie, Palestine et Haute Mésopotamie dont les solides monuments de pierre, tant religieux que civils ou même militaires, portaient, comme autant de témoignages de leur longue histoire, des inscriptions à la teneur extrêmement précise et dont les régions steppiques elles-mêmes ne manquaient point de ces textes plus ou moins frustes et grossiers qui remontaient souvent à une époque fort ancienne. Aux documents de ce genre collectés par des voyageurs tels que le baron M. F. von Oppenheim (2), groupés parfois aussi dans tel volume consacré à un seul ensemble épigraphique (3), vinrent en effet s'ajouter les non moins suggestifs inventaires dressés par des équipes d'archéologues (4), qui considéraient désormais ces vestiges, à la fois comme de sûrs éléments de datation des édifices et comme partie intégrante de structures architecturales qu'ils contribuaient à orner. On découvrait en même temps

Quant à l'Espagne musulmane, les inscriptions, en majeure partie déracinées qui y avaient échappé aux destructions des siècles précédents et que les épigraphistes du XIX^e siècle s'étaient empressés de collecter, n'y pouvaient plus faire l'objet que d'un travail de synthèse, venu en son temps avec le fondamental recueil de E. LÉVI-PROVENÇAL, *Inscriptions arabes d'Espagne*, Leyde-Paris 1931.

(1) Aux richesses épigraphiques de l'Ifrīqiya ne furent en effet consacrés, faute d'accès facile aux inscriptions, que de rares articles prometteurs (cf. par exemple R. BRUNSCHVIG, *Un calife ḥafṣide méconnu*, dans *Rev. Tun.*, 1930, pp. 38-48) jusqu'à l'apparition des recueils de B. ROY et de P. POINSSOT, *Inscriptions arabes de Kairouan* (Paris 1950-1958) ou de M.-M. VIRÉ, *Stèles funéraires du musée de Sousse*, dans *CT*, IV, 1956, pp. 1-44, publiés en même temps que la tentative de *Corpus* de S. M. ZBISS, *Inscriptions de Tunis et de sa banlieue*, Tunis 1955, elle-même suivie bientôt d'autres études dont la dernière en date concerne les *Inscriptions du Gorjānī*, Tunis 1962.

(2) Une section consacrée aux *Arabische Inschriften* (présentées par M. VAN BERCHEM) figure parmi les *Inschriften aus Syrien, Mesopotamien und Kleinasien gesammelt im Jahre* 1899, Leipzig 1909.

(3) Ainsi, pour les inscriptions de la ville de Diyarbekir/Amida, le volume de M. VAN BERCHEM et J. STRZYGOWSKI, *Amida*, Heidelberg 1910.

(4) Cf. par exemple les sections épigraphiques adjointes à F. SARRE und E. HERZFELD, *Archaeologische Reise im Euphrat-und Tigris Gebiet*, Berlin 1911-1922 (textes publiés par M. VAN BERCHEM), ou à A. GABRIEL, *Voyages archéologiques dans la Turquie Orientale*, Paris 1940 (relevés de J. SAUVAGET).

l'intérêt des abondantes séries de stèles funéraires qu'avaient longtemps conservées certains cimetières ruraux ou citadins (1), celui de ces graffiti qui contenaient, en dépit de leurs formules stéréotypées et de leur écriture négligée, des enseignements à la fois linguistiques et sociologiques (2), ainsi que l'exceptionnelle valeur documentaire présentée par ces ampliations de décrets de dégrèvement de taxes qui avaient été gravées pendant la période mamlūke sur des façades de monuments et qui comportaient des renseignements de première main sur la vie administrative ou économique du temps (3).

Un peu plus tard cependant l'attention allait davantage se porter sur ces régions iraniennes au sens large, du Fars à la Transoxiane et l'Azerbayjan au Sijistan, dont l'architecture de briques, aux somptueux revêtements de stuc ou de faïence selon les époques, avait servi normalement de support à de multiples bandeaux inscrits, de contenu historique ou religieux, mais de caractère toujours ornemental, qui concouraient à dissimuler le gros œuvre sous leur jeu de lignes abstraites. C'était là en effet un matériel épigraphique bien fait pour susciter de fructueuses études stylistiques, ainsi qu'on l'avait déjà pressenti dès le début du XX^e siècle (4) sans disposer à l'époque d'une documentation suffisante. Mais l'important chapitre consacré par le *Survey of Persian Art*, en 1938, à l'évolution de l'« épigraphie » et de la « calligraphie » en Iran, sous forme de notations disparates et souvent discutables (5)

(1) La plus remarquable de ces séries est sans doute offerte par les quelques milliers d'épitaphes provenant des cimetières de Fusṭāṭ et d'Aswān que conserve actuellement le Musée arabe du Caire et qui ont été publiées par les soins de G. WIET, ou sous son impulsion directe, dans le *Catalogue. Stèles funéraires*, Caire 1932-1942.

(2) Intérêt qui vient encore d'être tout récemment révélé par l'énorme masse de matériaux provenant de régions jusque-là inexplorées des déserts d'Arabie et contenue dans A. GROHMANN, *Arabic Inscriptions*, apud *Expédition Philby-Ryckmans-Lippens en Arabie*, II^e partie, t. 1, Louvain 1962.

(3) Cf. par exemple les études consacrées à ces documents par J. SAUVAGET, *Décrets mamelouks de Syrie* dans *BEO*, t. II (1932), pp. 1-52, III (1933), pp. 1-29, et XII (1947-48), pp. 5-60.

(4) Dans le compte rendu qu'il donnait en 1911 (*Journal des Savants*, pp. 54-69) de F. SARRE, *Denkmäler persischer Baukunst*, Berlin 1910, il y avait déjà des remarques suggestives de Max van Berchem sur l'intérêt présenté pour le paléographe et pour l'artiste par l'étude de ces inscriptions.

(5) On y trouve en effet, outre un exposé initial et extrêmement confus, dû à

qu'accompagnait toutefois une documentation photographique extrêmement révélatrice, allait marquer un tournant décisif dans la découverte de ce nouveau champ de recherches.

Ce dernier n'était d'ailleurs pas sans lien avec celui des inscriptions décoratives sur spécimens des arts mineurs, dont le *Survey* lui-même et une série de publications apparentées ayant pour objet de mieux faire connaître certaines formes de l'expression artistique en Iran (1), permettaient peu à peu de pénétrer l'incomparable richesse. Il va sans dire en effet que ces inscriptions mobilières, qui ont déjà provoqué tant de travaux depuis les premières publications sérieuses de catalogues de musées (2) jusqu'au monumental inventaire des signatures d'artisans partiellement dressé par Léo A. Mayer (3), sans oublier de petites publications dispersées qui sont parfois des modèles de critique épigraphique (4), constituent un des secteurs où la recherche récente a le plus sérieusement avancé et où l'on peut espérer, dans les années à venir, de spectaculaires progrès, directement provoqués par les efforts de regroupement et de comparaison dont le moment semble enfin venu.

plusieurs auteurs, sur l'évolution de l'écriture en Iran (*Calligraphy.* A. *An outline history*, pp. 1707-1742), une série de contributions fort diversement conçues, parmi lesquelles celles de S. Flury (*Calligraphy.* B. *Ornamental kūfic Inscriptions on Pottery*, pp. 1743-1769), V. A. Kratchkovskaya (*Calligraphy.* B. *Ornamental naskhī Inscriptions*, pp. 1770-1784), G. Wiet (*Epigraphy.* A. *The Arabic Inscriptions of Persia*, pp. 1785-1794) dont le tableau d'ensemble a été ensuite complété par G. C. Miles (dans *Ars Islamica*, VII, 1937, pp. 105-108) et L. A. Mayer, *Epigraphy.* C. *A Note on Some Epigraphical Problems*, pp. 1805-1807).

(1) Voir par exemple le volume de G. Wiet, *Soieries persanes*, Caire 1947, faisant suite en quelque sorte à celui qu'il avait auparavant consacré à *L'exposition persane de 1931*, Caire 1933.

(2) Parmi lesquels le fondamental *Catalogue du musée arabe du Caire* où sont étudiés des types d'inscription extrêmement variés, allant des inscriptions sur bois (J. David Weill, *Les bois à épigraphes*, Caire 1931-1938) aux inscriptions sur objets de métal (G. Wiet, *Les objets mobiliers en cuivre et en bronze à inscriptions historiques*, Caire 1932).

(3) Voir les divers volumes parus (*Islamic Architects and their Works*, Genève 1956 ; *Astrolabists* 1956 ; *Woodcarvers*, 1958 ; *Metalworkers*, 1959) de ce « *corpus of Muslim artists* » que l'auteur poursuivit jusqu'à sa mort avec une admirable constance et qui constituera désormais un ouvrage de référence indispensable pour tous ceux qui s'intéressent à l'évolution des arts de l'Islam.

(4) Ainsi certains articles de David Storm Rice où se trouvent résolus, avec une remarquable sagacité, de difficiles problèmes d'identification ou de déchiffrement.

Aussi bien est-il nécessaire d'insister, en conclusion à ce trop rapide retour en arrière (1), sur l'urgence des tâches de synthèse dont un pareil tableau montre le besoin croissant depuis l'époque de Max van Berchem et dont la première base — après le relatif échec du *Corpus* et la transformation des exigences immédiates — aura été fournie par l'apparition régulière, depuis 1931, des tomes de ce *Répertoire chronologique d'épigraphie arabe* qui groupe année par année, avec indication de leur lieu d'origine et des références bibliographiques précises, toutes les inscriptions arabes à ce jour conservées ou publiées (2). A partir d'un semblable inventaire, dont l'utilité n'est plus à louer et qui compense en partie les défauts de travaux si largement éparpillés, bien des perspectives sont ouvertes si l'on tient compte en même temps des multiples dimensions de l'épigraphie arabe que révèle le moindre coup d'œil jeté à des études au registre si différent.

Il y a évidemment ces enseignements d'ordre philologique et historique s'ordonnant selon les grandes catégories qu'avait distinguées jadis Max van Berchem en mettant l'accent sur ces rapports de l'épigraphie et de l'islamologie d'une part, de l'épigraphie et de la diplomatique de l'autre, qui découlaient de l'orientation quasi générale de ces textes « autour des deux grandes conceptions de l'esprit musulman : la puissance divine et le pouvoir politique absolu » (3). Il y a aussi ces observations d'ordre paléographique et esthétique auxquelles les éditeurs d'inscriptions ont moins souvent prêté attention, mais qui ne s'en sont pas moins affirmées, depuis les premières intuitions de Max van Berchem et les si suggestives recherches de Samuel Flury (4), l'un des plus sûrs moyens d'accès à certaines

(1) Il va sans dire qu'il n'était point dans son dessein de viser à l'exhaustivité, ni pour les publications citées, ni même pour les régions considérées parmi lesquelles on s'est notamment abstenu de faire figurer certaines régions excentriques (Inde par exemple, Asie centrale ou provinces centrales d'Afrique) où l'épigraphie arabe s'est cependant manifestée par nombre de travaux, quelquefois excellents.

(2) En 1956 a encore été publié le tome XV (années 731-746 h.) de cette entreprise qui fut commencée jadis sous les auspices d'E. Combe, J. Sauvaget et G. Wiet et dont il faut souhaiter qu'elle se poursuive en mettant en œuvre les moyens les plus modernes de classement et d'inventaire.

(3) Max van Berchem, *CIA Égypte* I, p. vi.

(4) Recherches consignées dans une série d'articles qui analysaient du point

formes particulières de l'art musulman. On sait en effet le parallélisme existant entre le développement du décor épigraphique et celui de l'ornement abstrait d'origine végétale ou géométrique avec lequel il se confond parfois, dans le complet épanouissement de l'arabesque. Mais il y a surtout, dans la confrontation de toutes ces données, la possibilité d'un contact extrêmement éloquent, presque vivant à force d'être direct, avec une société qui reconnaissait à la « chose écrite » une valeur de signe et choisissait intentionnellement les formules dont elle tissait son cadre de vie comme l'aspect extérieur, plus ou moins décoratif et monumental, dévolu à ces inscriptions.

De là les prolongements si variés offerts par la discussion de faits épigraphiques dont on n'a pas encore su proposer d'explication satisfaisante, telle la substitution progressive et finalement complète du caractère arrondi au caractère anguleux dans les textes lapidaires, substitution pour laquelle on a pu évoquer des causes de tout genre : transformations politiques ou religieuses aussi bien qu'évolution de la sensibilité esthétique. De là aussi l'intérêt présenté, pour l'histoire des institutions, par l'étude de ces interminables protocoles qui correspondaient à une forme particulière de civilisation, à la fois cérémonieuse et bureaucratique, et permettraient de retracer dans le détail, s'ils étaient inventoriés de manière suffisamment exhaustive, l'évolution de l'appareil administratif et des habitudes de chancellerie dans les types successifs de gouvernements musulmans (1). De là encore l'irrécusable témoignage porté, sur le

de vue de la « paléographie ornementale » des inscriptions de provenance diverse et dont on peut citer pour exemple S. FLURY, *Islamische Schriftbänder, Amida-Diyarbekr*, Bâle-Paris 1920, ou *Le décor épigraphique des monuments de Ghazna*, dans *Syria*, 1925, pp. 60-90. La même voie fut suivie avec succès par V. A. KRATCHKOVSKAYA dans des travaux publiés le plus souvent en russe. Voir également J. SOURDEL-THOMINE, *Épitaphes coufiques de Bâb Saghîr*, Paris 1950, ou *Le coufique alépin de l'époque seljoukide*, dans *Mélanges L. Massignon*, III (Damas 1957), pp. 301-317, ou encore *Le style des inscriptions arabo-siciliennes*, dans *Mélanges d'orientalisme dédiés à Lévi-Provençal* (Paris 1962), pp. 307-315.

(1) On ne possède encore, outre les remarques dispersées dans les divers tomes parus du *Corpus*, et dans l'ensemble de l'œuvre épigraphique de G. WIET, que quelques articles de sujet limité, tels M. VAN BERCHEM, *Titres califiens d'Occident*, dans *JA*, 1907, pp. 245-335, ou N. ELISSÉEFF, *La titulature de Nûr ad-dîn d'après ses inscriptions*, dans *BEO*, XIV (1952-54), pp. 155-196.

cheminement des idées dans les premiers siècles de l'Islam, par la soudaine interprétation de formules d'épitaphes que l'on croyait banales et qui dissimulaient en fait de véritables options de foi (1), sans oublier ces remarques sur l'écriture et la psychologie des peuples (2) qu'autoriserait sans doute une étude attentive de la répartition régionale de certaines graphies. Certes ce ne sont là que quelques exemples de perspectives choisis parmi beaucoup d'autres. Mais peut-être suffiront-ils à faire sentir l'intérêt qui s'attache aujourd'hui à une nouvelle étape de l'épigraphie arabe, appréciée désormais, non plus tant pour les services rendus à l'archéologie et à l'histoire événementielle que pour la richesse de son apport à l'histoire de la société musulmane.

Janine SOURDEL-THOMINE
(Paris)

Cet article était déjà sous presse lorsque m'est parvenue l'annonce de cérémonies destinées à célébrer à Genève, en mars 1963, le centenaire de la naissance de Max van Berchem. Je suis heureuse de m'associer à cet hommage en dédiant à la mémoire du grand épigraphiste une étude qui lui doit, par delà les années, son orientation et sa raison d'être.

(1) Voir ainsi la suggestive *Note sur la maxime épigraphique « a'zam al-masâib » faisant revivre le deuil du Prophète*, adjointe (pp. 260-267) à L. MASSIGNON, *La Rawda de Médine*, dans *BIFAO*, LIX, 1960, pp. 241-272.

(2) Selon le thème proposé à Paris à une récente « Semaine de Synthèse ».

# RÉFLEXIONS SUR IBN ISHĀQ

Outrance et contradiction marquent les jugements portés sur Ibn Isḥāq par des hommes qui ont pourtant tous brillé par le savoir et la valeur intellectuelle et morale. « Prince des traditionnistes et parangon de véracité, opinent ses partisans » — « Fieffé menteur, faussaire, hétérodoxe, antéchrist, fulminent ses adversaires. » Le paradoxe stupéfie concernant le père de la « *Vie du Prophète* », de cette fameuse « *Sīra* » (dite d'Ibn Hišām qui n'a fait que remanier une partie de l'enseignement d'Ibn Isḥāq), devenue la source essentielle de la connaissance traditionnelle du fondateur de l'Islām.

Il a paru intéressant d'essayer de cerner cette personnalité énigmatique en tâchant de découvrir quelques-unes des raisons — historiques, sociales, psychologiques, religieuses... — d'un débat aussi passionné et de présenter quelques suggestions à ce sujet.

Au préalable, esquissons à grands traits la biographie du personnage. Il naquit vers 85H/704 à Médine où son grand-père, probablement persan ou d'origine iranienne, capturé en Irak à la bataille de 'Ayn al-Tamr, avait été envoyé comme prisonnier de guerre, réduit en esclavage puis affranchi après conversion à l'Islām. Ibn Isḥāq était donc client *(mawlā)* d'une grande famille médinoise. Son père et deux frères de ce dernier (Mūsā b. Yasār et 'Abd al-Raḥmān b. Yasār) étaient notoirement connus comme traditionnistes. Et de bonne heure, l'ambiance et une mémoire exceptionnelle poussèrent l'enfant à recueillir des « traditions ». Deux de ses frères ('Umar b. Isḥāq et Abū Bakr b. Isḥāq) en firent autant. Ses principaux maîtres médinois furent, outre son père, 'Āṣim b. 'Umar b. Qatāda

(m. 120H/738), 'Abd Allāh b. Abī Bakr b. Ḥazm (m. 135H/752-3) et surtout al-Zuhrī (m. 124H/742). Si sa formation ne doit probablement rien, du moins directement, à Wahb b. Munabbih (m. 110H/729), il est hors de doute, son œuvre et certaines critiques lui ayant été adressées en font foi, qu'il recueillit maintes informations auprès de convertis, voire de Juifs. La « quête du savoir » n'empêchait pas notre jeune homme, fort beau, de penser à la bagatelle, s'il est bien vrai qu'il ait été fouetté par l'émir de Médine parce qu'il avait coutume de se tenir au fond de la Mosquée afin de compter fleurette aux dames. On reviendra sur l'authenticité de cette plaisante anecdote à propos d'autres récits paraissant provenir de la même veine d'après lesquels il aurait été fustigé pour ses opinions hétérodoxes.

En 115H/733 il se rendit en Égypte, on ne sait pour quel motif. A la suite de l'affaire de la Mosquée ? Pour glaner des *ḥadīṯ-s* notamment auprès du grand traditionniste égyptien Yazīd b. Abī Ḥabīb (m. 128H/745-6) dont il va être le disciple ? Il est peu vraisemblable que ses démêlés avec Mālik b. 'Anas (95-179 H/714-795) aient déjà éclaté ou du moins soient pour quelque chose dans ce départ. En 115H/733 Ibn Isḥāq a atteint la trentaine et Mālik n'a guère que vingt ans.

Il séjourna à Alexandrie et l'on cite des docteurs de cette ville d'après lesquels il est le seul à rapporter certains *ḥadīṯ-s*, mais on ignore quand il repartit d'Égypte et les sources ne disent même pas qu'il retourna à Médine avant de partir pour l'Irak. L'indication : il quitta Médine « de bonne heure » *(qadīmān)* ne renseigne guère, mais incite à penser qu'il ne revint pas dans sa ville natale. Toutefois, on remarquera qu'elle semble surtout vouloir expliquer pourquoi Ibrāhīm b. Sa'd fut le seul Médinois à « rapporter » d'après Ibn Isḥāq, et qu'elle est fournie par un auteur assez tardif et favorable à Ibn Isḥāq, al-Marzubānī (m. 378H/988). Cette imprécision chronologique obscurcit tout le centre de la vie d'Ibn Isḥāq, notamment l'évolution de ses rapports avec Mālik et l'exactitude de leur réconciliation qui aurait eu lieu à Médine au moment des adieux et que rien n'oblige d'ailleurs à supposer définitive.

Du séjour de l'auteur en Irak dont on ignore la durée et le

déroulement précis, on retiendra qu'il enseigna dans la Ğazīra (Haut Irak) et qu'il y fréquenta al-'Abbās b. Muḥammad, frère des deux premiers califes 'abbāsides et gouverneur de cette province (de 143 environ à 155H/759-772). Il professa à Kūfa. Sa présence est signalée dans les parages, à Ḥīra et à al-Hāšimiyya où il aurait rédigé pour le calife Abū Ğa'far al-Manṣūr et à sa demande un ouvrage sur la vie du Prophète. Il se rendit ensuite dans la grande ville persane de Rayy où il eut maints disciples. Enfin il se fixa à Bagdad où il mourut en 150 ou 151H/767-8.

Si l'on passe en revue les notices que des compilateurs lui ont consacrées, on remarque que les trois premiers en date lui sont nettement hostiles. Al-Ğumaḥī (m. 231H/845-6) l'accuse d'avoir galvaudé la poésie ancienne ; Ibn Qutayba (m. 276H/889), bien que moins virulent qu'Ibn al-Nadīm (lequel écrit en 377 H/987), ne retient que des traits qui lui sont défavorables et le range parmi les tenants du libre arbitre (qadarites). Si l'on comprend la réaction du premier, critique littéraire féru de purisme poétique, si celle du second ne surprend guère de la part d'un sévère censeur de tout ce qui frise l'hétérodoxie, la sévérité d'Ibn al-Nadīm déconcerte. On peut du reste se demander si ce n'est pas parce que lui-même a été taxé de šī'isme et de mu'tazilisme qu'Ibn al-Nadīm s'abstient de traiter Ibn Isḥāq de šī'ite et de qadarite.

Par contre les autres biographies, postérieures au *Fihrist* d'Ibn al-Nadīm et pour la plupart fort étoffées, dues à al-Ḫaṭīb al-Baġdādī (m. 463H/1071), Yāqūt (m. 627 H/1229), Ibn al-Naǧǧār (m. 643 H/1245), Ibn Sayyid al-Nās (m. 734H/1333), Ibn Ḫallikān (qui écrit en 654H/1256) et al-Suyūṭī (m. 911H/1505), sont fort impartiales et fournissent une riche documentation sur les jugements de toutes sortes portés sur notre personnage ; encore faut-il la mettre en œuvre par classement et examen « historiques ».

De prime abord, il apparaît que les éloges les plus ardents et les attaques les plus virulentes sont le fait de contemporains d'Ibn Isḥāq. Dans le premier camp, celui des laudateurs, figurent plusieurs de ses aînés d'après lesquels il a « rapporté » et qui lui ont fait l'honneur de « rapporter » d'après lui. Ce sont :

'Āṣim b. 'Umar b. Qatāda (m. 120H/737), al-Zuhrī (51-124H/671-742), Yazīd b. Abī Ḥabīb al-Miṣrī (m. 128H/745-6), Yaḥyā b. Sa'īd al-Anṣārī (m. 143-4/760-1) et Šu'ba (85-160H/704-777).

Dans l'autre, on trouve des hommes presque tous plus jeunes que lui : Sulaymān al-Taymī (m. 143H/760-1), Hišām b. 'Urwa (m. 145-7H/762-4), Mālik b. 'Anas (95-179H/714-795), Ḥammād b. Salama (m. 179H/795), ['Abd al-'Azīz] Ibn Abī Ḥāzim (107-184H/725-800), Yaḥyā b. Sa'īd al-Qaṭṭān (120-198H/737-813), Yazīd b. Hārūn (118-206/736-821), et Makkī b. Ibrāhīm.

Quant à ceux qui ont rapporté des traditions d'après lui — à une exception près : celle de Ḥammād b. Salama précité qui déclare avoir obéi à la nécessité — et notamment ses disciples auteurs de « recensions » de son œuvre, ils peuvent être considérés comme lui étant favorables. Dans cette catégorie, on relèvera les noms suivants : Sufyān al-Ṯawrī (97-161H/715-778), 'Alī b. Muǧāhid (m. vers 180H/796), al-Bakkā'ī (m. 183H/799), Ibrāhīm b. Sa'd (110-184H/729-800), Salama b. al-Faḍl (m. 191H/807), Yaḥyā b. Sa'īd al-'Umawī (114-194H/732-810), Sufyān b. 'Uyayna (107-198H/725-778), Yūnus b. Bukayr (m. 199H/814-5) et 'Abd Allāh b. Numayr (m. 199H/814-5). Quant à al-Wāqidī (m. 207H/822-3) bien qu'auteur lui aussi d'un recueil de *maġāzī* (expéditions du Prophète) et, sans doute pour cette raison, ne citant jamais Ibn Isḥāq, il a dit le plus grand bien de son émule.

Enfin le compilateur de la *Sīra* — qui utilise la *riwāya* d'al-Bakkā'ī, Ibn Hišām (m. 213 ou 218H/828 ou 833), étonne par la froideur laconique avec laquelle il parle de son illustre devancier. Cette attitude reflète-t-elle une certaine sècheresse de cœur et étroitesse d'esprit d'un homme avant tout philologue et médiocre ? S'explique-t-elle parce que c'est précisément à son époque, lorsque la critique du *ḥadīṯ* a achevé d'élaborer sa méthodologie, que se produit un changement très net dans la façon d'apprécier Ibn Isḥāq comme traditionniste ? En tout cas, c'est surtout, semble-t-il, sous l'impulsion de Yaḥyā b. Ma'īn (m. 233H/847-8), 'Alī al-Madīnī (m. 234H/848-9) et Aḥmad b. Ḥanbal (m. 241H/855) que les jugements portés sur notre auteur se ramènent alors et de plus en plus à doser par un examen technique de son « *sanad* », c'est-à-dire de ses sources

d'information et de la manière dont il les utilise et les cite, le crédit qu'on doit lui accorder en tant que « *muḥaddiṯ* » stricto sensu. Toutefois là comme partout ailleurs il faut se garder de l'anachronisme et ne juger le prévenu que selon les critères observés de son temps et par ses émules. En toute équité on ne saurait lui faire grief de ne pas s'être plié à des règles énoncées bien après lui. Les pionniers du *ḥadīṯ*, tous proches des témoins oculaires, ne s'astreignaient pas toujours à une énumération rigoureuse de leurs autorités. D'ailleurs l'examen méticuleux des formules employées par Ibn Isḥāq révèle sa bonne foi scrupuleuse. Il ne triche jamais. Si, d'autre part, il lui arrive souvent de fondre en un récit cohérent plusieurs traditions concordantes et complémentaires, se contentant d'énumérer en en-tête et pêle-mêle les personnages qui les lui ont transmises, il ne fait là qu'imiter son maître, l'illustre al-Zuhrī. Un passage de la *Sīra* (sur le *ḥadīṯ al-'ifk*) est probant à cet égard. Au début n'allait-on pas jusqu'à « rapporter d'après le sens » *(al-riwāya bi-l-ma'nā)* sans respecter l'intégralité du texte original, c'est-à-dire selon l'esprit sans se soucier de la lettre.

L'important, pour nous ici, de ce passage d'Ibn Isḥāq au crible d'« *al-ǧarḥ wa-l-ta'dīl* » (probatio et improbatio) est que les critiques précités sont à peu près tous d'accord pour le déclarer « de bonne foi » *(ṯiqa)* — ce qui explique qu'il est parfois cité par les auteurs de recueils canoniques : Buḫārī, Muslim, Abū Dāwūd, Tirmiḏī, Nasā'ī, Ibn Māǧa — mais non « irrécusable » *(ḥuǧǧa)* surtout en ce qui concerne les traditions normatives *(sunan)* sur lesquelles on se fonde pour faire le départ entre le « licite » *(ḥalāl)* et l'« illicite » *(ḥarām)*; et d'éliminer des débats l'accusation de mensonge tout comme celle d'hétérodoxie.

On peut se demander si les progrès de la sublimisation de la personnalité du Prophète déjà fort avancée du vivant d'Ibn Isḥāq qui a grandement contribué à son élaboration, n'a pas été pour quelque chose dans l'évolution des esprits à l'égard du père de la *Sīra*, en quelque sorte réhabilité après avoir été de son vivant accusé non seulement de mensonge et de falsification *(tadlīs)* mais aussi de qadarisme et de šī'isme. Un retour en arrière et un examen critique des faits devraient

permettre de saisir la véritable nature des allégations portées à l'encontre d'Ibn Isḥāq par ses contemporains.

Le premier point à élucider, fort énigmatique, est ce que nous appelons l'« affaire de la Mosquée » dont on possède deux versions (l'une fournie par Ibn al-Nadīm et surtout Yāqūt, l'autre par al-Ḫaṭīb et Yāqūt).

D'après al-Wāqidī (m. 207H/822-3) qui s'est suffisamment montré favorable à Ibn Isḥāq pour ne pas être suspecté de partialité majeure, ce dernier se tenait au fond de la Mosquée, près des femmes par galanterie, fut dénoncé à l'émir de Médine, Hišām, qui lui tondit sa belle chevelure, le fouetta et lui interdit de reprendre désormais sa place habituelle. On pense invinciblement à un péché de jeunesse. L'identification de ce Hišām, gouverneur de Médine, serait une précieuse indication. Il ne peut s'agir de Hišām b. Ismā'īl destitué en 87H/706. Serait-ce Ibrāhīm b. Hišām b. Ismā'īl al-Maḫzūmī nommé par Hišām b. 'Abd al Malik en Ǧumādā II 106H/oct.-nov. 724 qui le destitua en Rabī' 114H/mai-juin 732 donc peu de temps avant le départ d'Ibn Isḥāq pour l'Égypte (115H/733) ?

Dans l'autre version, deux auditeurs médinois du maître, Ibn Abī Ḥāzim (107-184H/725-800) et al-Darāwardī (m. 186 H/802) donnent indépendamment l'un de l'autre deux relations qui concordent et se complètent de cette curieuse affaire à laquelle ils assistèrent : Ibn Isḥāq faisait cours quand il piqua un somme ; revenu à lui, il déclara avoir vu en songe un âne être extrait de la mosquée au moyen d'une corde. Et un agent du sultan de faire irruption dans l'oratoire, de passer une corde au cou d'Ibn Isḥāq et de le conduire au gouverneur. La mention du « Dār Marwān [b. əl-Ḥakam] » hôtel du gouvernorat de Médine permet de localiser l'incident. D'après un certain Ibn Abī Zunbur (?) c'est parce qu'il était qadarite qu'Ibn Isḥāq aurait été maltraité de la sorte. Précisément l'invraisemblance de ce songe incite à considérer cette seconde version comme une déformation malveillante et légendaire de la première, d'autant plus que les deux rapporteurs ont été disciples de Mālik fort hostile à notre auteur.

N'empêche qu'il peut très bien avoir été fouetté, à une ou plusieurs reprises, pour immoralité ou hétérodoxie, voire pour

ces deux motifs à la fois. Chose curieuse : Mālik, âgé de plus de cinquante ans, a, lui aussi, tâté du fouet séculier manié par un gouverneur de Médine, Ǧa'far b. Sulaymān, en 147H/764, soit pour s'être prononcé en faveur du révolté 'alīde Muḥammad b. 'Abd Allāh surnommé al-Mahdī, soit parce qu'il avait été dénoncé par les « ṭālibites » comme partisan de la supériorité de 'Uṯmān sur 'Alī, deux raisons plutôt contradictoires, soit dit en passant. Ce fait n'est peut-être pas étranger à la gestation de cette fable onirique.

Les relations entre les deux hommes sont loin d'être éclaircies mais ils semblent bien s'être d'abord dressés l'un contre l'autre pour des raisons non doctrinales. Ne lit-on pas dans le *Ta'rīḫ Baġdād* que Mālik était une mauvaise langue démolissant maintes solides réputations ? Il traita même de « menteur » Hišām b. 'Urwa b. al-Zubayr d'après lequel, cependant, il rapportait des traditions. Parmi ceux qui lui rendaient la pareille on cite Ibn Abī Ḏi'b, 'Abd al-'Azīz al-Māǧišūn (m. 164H/780), Ibn Abī Ḥāzim précité et surtout Ibn Isḥāq, le plus féroce d'entre eux. Mālik, dont le grand-père était venu s'installer à Médine où il avait épousé une taymite, c'est-à-dire une quraysite, prétendait descendre d'une fraction ḥimyarite. Or, on le disait client-affranchi *(mawlā)* des Taym. Peu importe le fond de la question, la chose à dire ici c'est qu'Ibn Isḥāq, lui-même *mawlā*, prit un malin plaisir à contester la généalogie arabe de Mālik. Il n'était ni le seul ni le premier à le faire. Entre autres, al-Zuhrī, maître des deux adversaires et *mawlā* lui aussi, ne s'en privait guère.

Que faut-il penser du récit affirmant que lorsqu'Ibn Isḥāq partit pour l'Irak — cette indication confirmerait son retour à Médine après le voyage en Égypte — les deux ennemis se réconcilièrent et que Mālik lui donna, au moment des adieux, cinquante dīnārs et la moitié de sa récolte de l'année ? Si cette réconciliation n'a pas été inventée par la ferveur des mālikites soucieux d'effacer tout ce qui pouvait ternir la gloire de leur imām, il n'en demeure pas moins qu'elle ne résista pas à l'épreuve du temps. Les sources s'accordent pour dire que c'est lorsqu'on lui rapporta qu'Ibn Isḥāq déclarait être le « vétérinaire » de Mālik — ou celui de ses ouvrages ou de sa science — que ce

dernier lança sa fameuse invective : « C'est un véritable antéchrist *(daǧǧāl min al-daǧāǧila)* et nous l'avons expulsé de Médine ! » Certains lui font ajouter qu'Ibn Isḥāq rapportait d'après les Juifs et les Chrétiens et qu'il était qadarite. L'allusion à l'expulsion ne confirme guère l'authenticité de la réconciliation, mais on peut admettre un retour de flamme embrasant une animosité éteinte.

Enfin, si l'attribution à Ibn Isḥāq d'un « *Kitāb al-Sunan* » est exacte — à l'origine n'y aurait-il pas eu confusion, paléographiquement défendable, entre *sunan* et *siyar* ? — la maigreur du succès de ce recueil de traditions, comparé à celui, éclatant du « *Muwaṭṭa'* » est telle qu'il paraît difficile de voir là une des raisons profondes de l'hostilité des deux personnages. Si l'œuvre de chacun d'eux présente des traits communs que l'on pourrait taire, par exemple le fait qu'elle consiste avant tout en un enseignement oral qui ne nous est parvenu qu'à travers des recensions établies par leurs disciples, il en est un qui mérite de retenir l'attention. Mālik aurait composé son « *Muwaṭṭa'* » pour Abū Ǧa'far al-Manṣūr qui lui en avait donné l'ordre, ou, selon une autre version, à la demande d'al-Mahdī. Or, on lit dans le « *Ta'rīḫ Baǧdād* » une information quelque peu romancée et remontant à un certain 'Ammār d'après laquelle Ibn Isḥāq composa son ouvrage à la demande du calife al-Mahdī pour son fils ; texte fautif car il s'agit du calife Abū Ǧa'far al-Manṣūr et non de son fils al-Mahdī, puisque ce dernier n'a régné qu'en 158H/775, bien après la disparition d'Ibn Isḥāq (m. vers 150-1H/767-8). Ce dernier détail rappelle étrangement la confusion entre les deux califes signalée à propos du dédicataire du « *Muwaṭṭa'* ». Nouvelle interférence entre les vies des deux rivaux ou simple coïncidence ? ou invention pure et simple dictée par le désir de glorifier les 'Abbāsides auxquels serait attribuée, pour ainsi dire, la paternité et du « *Muwaṭṭa'* » et de la « *Sīra* » ? Quoiqu'il en soit les docteurs médinois — à une exception près : Ibrāhīm b. Sa'd — se rangèrent du côté de Mālik et feignirent d'ignorer son rival. Ce discrédit d'inspiration mālikite et source de maintes calomnies paraît avoir été durable.

On lui attribue parfois une autre cause qui, elle aussi, n'a qu'un lointain rapport avec les controverses doctrinales : la

haine que voua à Ibn Isḥāq Hišām b. 'Urwa b. al-Zubayr dont on a déjà parlé. On aimerait savoir à quelle date cet aristocrate médinois se rendit à Kūfa auprès du calife Abū Ğa'far al-Manṣūr qu'il suivit dans la nouvelle capitale Baġdād où il mourut vers 145-147H/762-764, quelques années avant Ibn Isḥāq qui s'y trouvait peut-être alors. Ce dernier rapportait des traditions d'après l'épouse de Hišām, une « tābi'ite », Fāṭima bint al-Munḏir b. al-Zubayr b. al-'Awāmm. Plus âgée que lui de 37 ans elle n'en avait pas moins de 50 quand il a pu rapporter d'après elle et, à l'époque, bien des hommes rapportaient des traditions d'après des femmes qu'ils pouvaient entendre sans les voir. N'empêche que Hišām s'estimant bafoué, proclamait que cet « ennemi d'Allāh », misérable imposteur, ne pouvait rapporter d'après son épouse puisque, depuis son mariage, — elle avait alors 9 ans — jusqu'à sa mort, elle n'avait jamais été aperçue par aucun étranger à la famille. Bien qu'il s'agisse, avant tout, de jalousie et de la hargne d'un grand à l'égard d'un *mawlā*, certains affirment que c'est l'accusation véhémente de Hišām b. 'Urwa qui, transmise à Mālik puis à Wuhayb b. Ḫālid et enfin à Yaḥyā b. Sa'īd al-Qaṭṭān, les a tous dressés contre Ibn Isḥāq.

Quant à l'accusation de šī'isme, elle paraît assez anodine. Le šī'isme florissait à Médine parmi les descendants des Anṣār déçus d'être évincés des premières places. A notre connaissance aucune étude n'a été consacrée au šī'isme médinois. D'autre part, il est notable que les deux accusations de šī'isme et de qadarisme sont presque toujours accolées, notamment par al-Šāḏakānī, comme s'il s'agissait de deux aspects d'une même attitude ; à coup sûr anti-umayyade. Enfin, là aussi, il convient, pour y voir un peu plus clair, de rétablir la chronologie des témoignages et de déceler les mobiles éventuels de leurs auteurs.

Il est certain qu'Ibn Isḥāq a « entendu » — c'est-à-dire a transmis des traditions d'après lui — un 'alīde Muḥammad b. 'Alī b. al-Ḥusayn b. 'Alī b. Abī Ṭālib. Sauf erreur, Yaḥyā b. Sa'īd al-Qaṭṭān (120-198H/737-813) est le premier à avoir affirmé le šī'isme d'Ibn Isḥāq. On lui fait dire que Muḥammad b. Isḥāq, al-Ḥasan b. Ḍumra et Ibrāhīm b. Muḥammad étaient tous šī'ites et plaçaient 'Alī au-dessus de 'Uṯmān. On a vu

l'accusation inverse lancée contre Mālik ; or, non seulement cette précision affaiblit la portée du témoignage de Yaḥyā b. Sa'īd al-Qaṭṭān, mais bien des traits de sa personnalité renforcent cette impression. Il témoignait qu'Ibn Isḥāq était un menteur et il n'a jamais rien rapporté d'après lui. Il était l'élève de Hišām b. 'Urwa et de Mālik, professait que le Coran était incréé et rangeait les ǧahmites parmi les infidèles. Tout concourait donc à indisposer ce traditionniste, malgré sa valeur et sa piété, contre Ibn Isḥāq. Toutefois on peut penser qu'en affirmant qu'Ibn Isḥāq était šī'ite, Yaḥyā b. Sa'īd al-Qaṭṭān, lui-même šī'ite selon Ibn Qutayba, ne songeait guère à mal. Par ailleurs ce propos tenu sur Ibn Isḥāq par al-Ǧūzǧānī (m. 259H/873) : « On l'accusait de bien des « *bid'a*-s » perd de sa valeur quand on sait qu'il a été proféré par un personnage qui avait de l'aversion *(inḥirāf)* pour 'Alī b. Abī Ṭālib. Aḥmad b. Yūnus (941-1025H/1534-1617) affirme que les auteurs de « *maġāzī* » : Ibn Isḥāq, Abū Ma'šar (m. 170H/787) et Yaḥyā b. Sa'īd al-'Umawī (114-194H/732-810) et d'autres donnaient dans le šī'isme, et d'ajouter, ce qui est plus grave, qu'il avait de l'amitié pour le 'alīde 'Abd Allāh b. Ḥasan (b. 'Alī b. Abī Ṭālib) lequel lui communiquait des informations en lui demandant de les mettre sur ses tablettes et de les transmettre ; ce qu'Ibn Isḥāq faisait. Cette dernière accusation semble bien être une transposition tardive, malveillante et anti-šī'ite, de cette autre formulée par al-Ǧumaḥī et reprise par Ibn al-Nadīm dans son « *Fihrist* », à savoir qu'on lui fabriquait des vers en le priant de les insérer dans son « *Livre sur la Sīra* » *(Kitābu-hu fī l-Sīra)* et qu'il acceptait. Sur le plan doctrinal, qui seul nous intéresse ici, elle s'en trouve quelque peu émoussée. D'autre part, presque tous ceux qui ont contribué à l'élaboration de la « *Sīra* » sont des « *mawālī* » tout comme Ibn Isḥāq et si l'on comprend qu'en se consacrant à la vie de Muḥammad ils aient vénéré ses descendants plus que tous autres, il y a peut-être lieu de rappeler aussi ce que la genèse du šī'isme doit à un autre « *mawlā* » iranien Salmān al-Fārisī.

Qu'Ibn Isḥāq ait eu un faible pour 'Alī ne fait pas de doute et son œuvre l'atteste plus d'une fois. C'est ainsi que 'Alī est donné, sans discussion des opinions contraires, comme étant le

premier homme à avoir embrassé l'Islām. On remarquera, par contre, l'impartialité dont fait preuve l'auteur quand il traite des califats de 'Uṯmān et de 'Alī. Les quelques lignes rapportées d'après lui par Ibn Qutayba dans son « *Kitāb al-Ma'ārif* » et résumant succinctement le califat de 'Alī paraissent bien reproduire le texte original qu'Ibn Isḥāq lui consacrait dans son « *Kitāb al-Ḫulafā'* », ouvrage dont on nous dit qu'il a été « rapporté » par Yaḥyā b. Sa'īd al-'Umawī précité. A l'époque d'Ibn Isḥāq le šī'isme en tant que doctrine élaborée et secte hétérodoxe proprement dite était encore dans les limbes. Il ne s'agissait alors que d'une prédilection sentimentale pour la descendance du Prophète, de « légitimisme » qui avait déjà ses martyrs. L'expression précitée : « Ils étaient tous šī'ites et plaçaient 'Alī au-dessus de 'Uṯmān » est significative à cet égard : il s'agissait de « *tafḍīl* » et non de « *ta'ṭīl* ». Dans le réquisitoire dressé contre notre auteur son šī'isme proprement dit semble devoir être estompé, sinon biffé, comme anachronique et l'examen de son qadarisme risque fort de suggérer une conclusion analogue.

On notera d'abord que dans plusieurs textes (affaire de la Mosquée, diatribe de Mālik) l'accusation de qadarisme a été ajoutée au récit par un transmetteur n'appartenant pas à la génération de l'inculpé. Dans cette catégorie de moindre importance on rangera les témoignages de Ǧūzǧānī (m. 259H/873) qui inclut certainement cette hérésie parmi les « *bid'a-s* » d'Ibn Isḥāq, de Hārūn b. Ma'rūf et d'al-Šāḏakānī. Parmi les jugements d'ensemble on rappellera qu'Ibn al-Nadīm passe sous silence le qadarisme et le šī'isme d'Ibn Isḥāq sans doute parce que lui-même était acquis à ces doctrines. Mais si l'on peut suspecter et négliger, parce qu'émanant d'un disciple qui paraît avoir voulu disculper son maître, ce dire de Muḥammad b. 'Abd Allāh b. Numayr al-Nufaylī (m. 234H/848-9) : « Muḥammad b. Isḥāq était accusé de qadarisme alors qu'il comptait parmi ceux qui en étaient les plus éloignés », force est de retenir maints témoignages irrécusables.

Makkī b. Ibrāhīm affirme que le mérite de Ǧa'far b. Muḥammad, de Muḥammad b. Isḥāq et d'al-Ḥaǧǧāǧ b. 'Arṭā (m. 145H/762) n'a été reconnu qu'après leur mort — ce qui

étonne et paraît partial, à moins d'entendre par là que leur renom n'a fait que grandir après leur mise au tombeau. Il déclare avoir suivi à Rayy une vingtaine de leçons d'Ibn Isḥāq — qui se teignait les cheveux, note-t-il en passant — et qu'il y mit fin après l'avoir entendu rapporter des *ḥadīṯ-s* sur la question des attributs divins *(ṣifāt Allāh)* (1).

Si enfin l'on interroge l'œuvre même de notre auteur, on y découvre la preuve de ses tendances « rationalistes » et de sa croyance au libre arbitre. Dans la « *Sīra* »: la manière dont sont présentées les traditions concernant l'ascension du Prophète *(isrā')* met en lumière sa prédilection pour celles qui affirment qu'il y eut vision et non transport corporel. Dans le « *Ta'rīḫ* » de Ṭabarī : Allāh créa d'abord la lumière et les ténèbres, et non le *qalam* qui reçut l'ordre d'écrire toutes choses comme l'affirment les partisans de la prédestination ou ǧabrites. Mais il n'en demeure pas moins que ce n'est vraiment qu'après la génération d'Ibn Isḥāq que le qadarisme fut considéré comme une hétérodoxie, lorsque les mu'tazilites l'eurent adopté et intégré dans leur doctrine. On pourrait objecter que les fondateurs du mu'tazilisme appartiennent nettement à la génération d'Ibn Isḥāq — al-Ḥasan al-Baṣrī (m. 110H/728), Wāṣil b. 'Aṭā' (m. 131H/748), 'Amr b. 'Ubayd (m. 133-4H/750) — mais ni eux ni leurs successeurs ne l'ont, paraît-il, revendiqué comme l'un des leurs. Quant aux traditions précitées d'origine manifestement bibliques sur la création du monde, il y a lieu de se demander si, de son vivant, elles s'opposaient avec toute cette rigueur attestée par Ṭabarī (m. 310H/922-3) à celles affirmant qu'Allāh créa le *qalam* avant toutes choses. La réponse paraît bien être : Ibn Isḥāq n'a fait figure de champion du qadarisme face aux ǧabrites qu'après coup.

Pour conclure nous dirons qu'en replaçant dans leur contexte humain, historique, les jugements portés sur Ibn Isḥāq au cours des âges, on pourrait arriver à expliquer leur violente et paradoxale contradiction. L'hostilité au très grand traditionniste

(1) Je n'ai pas fait état d'un texte curieux donné par AL-ḪAṬĪB AL-BAGDĀDĪ, I, 200, que je ne comprends pas et qui semble altéré, notamment la phrase : *wa-kāna Ibn Isḥāq qad raqqa;* faut-il lire : *ruqqiqa* = il avait été tondu, ou : *qadariyān* = il était qadarite ?

qu'il fut, reconnu comme tel et vanté de son vivant même, paraît naître dans le même temps à Médine de raisons surtout psychologiques et sociales ; bientôt il s'en ajoute d'autres, d'espèce différente, relevant de la méthodologie du *ḥadīṯ*, de la dogmatique, voire de la critique littéraire, ensuite amplifiées et systématisées plus ou moins anachroniquement. C'est surtout après sa mort, semble-t-il, qu'Ibn Isḥāq fut accusé de falsification, de šī'isme et de qadarisme. On se mit à exiger de lui une rigueur de méthode qui n'avait guère eu cours de son temps et on exploita ses tendances pro-'alīdes et anti-fatalistes pour le taxer d'hétérodoxie šī'ite et qadarite — sans toutefois le ranger parmi les mu'tazilites. Ibn al-Nadīm donne une idée du paroxysme atteint par l'effort fait pour diminuer, sinon ruiner, le crédit d'Ibn Isḥāq ; mais sa notice fielleuse détonne quelque peu en plein cœur du IVe siècle de l'Hégire ; elle « retarde » pour ainsi dire et ne reflète sans doute pas l'opinion moyenne des docteurs orthodoxes de l'époque. Et la réhabilitation d'Ibn Isḥāq, proclamé digne de foi en matière de « *Sīra* », ne découlerait-elle pas quelque peu des progrès du culte du Prophète et du succès grandissant de la « *Sīra* » d'Ibn Hišām ? Ne serait-ce qu'à titre d'hypothèse de travail, cette question nous a paru mériter d'être posée.

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# ASH'ARĪ AND THE ASH'ARITES IN ISLAMIC RELIGIOUS HISTORY

## I

### THE ASH'ARITE MOVEMENT AND MUSLIM ORTHODOXY

One of our commonly received notions concerning the historical development of Muslim Theology has been that Ash'arism became the orthodoxy of Islam in the 11th century (5th century of the Hijra) (1). This 11th century victory of

(1) The first part of this study formed the subject of two communications of varying length delivered at the Annual Meeting of the American Oriental Society in Cambridge, Massachusetts Mass., in April, and at the University of Toronto, in November, 1962.—The following abreviations are used in this article:

*Dāris:* Nu'aimī ('Abd al-Qādir), *ad-Dāris fī tārīkh al-madāris*, ed. Ja'far al-Ḥinnī, 2 vols. Damascus: at-Taraqqī Press, 1367-70/1948-51.

*GAL:* Carl Brockelmann, *Geschichte der arabischen Litteratur*, 2 vols., 3 supplement vols. Leiden: E. J. Brill, 1937-1949.

*Ibāna:* Al-Ash'arī, *al-Ibāna 'an uṣūl ad-diyāna*. Hyderabad: Dā'irat al-Ma'ārif Press, 1321/1903.

*Istiḥsān:* Al-Ash'arī, *Istiḥsān al-khauḍ fī 'ilm al-kalām*. Hyderabad: Dā'irat al-Ma'ārif Press, 1344/1925 (reprinted in R. J. McCarthy, *Theology*).

*Kashf:* Ḥājjī Khalīfa, *Kashf aẓ-ẓunūn 'an asāmī al-kutub wa'l-funūn*, 2 vols. Istanbul: Government Press, 1360-62/1941-43.

*Maqālāt:* Al-Ash'arī, *Maqālāt al-islāmīyīn wa 'khtilāf al-muṣallīn*, ed. H. Ritter, 2 vols. Istanbul: Government Press, 1929-1930.

*Muslim Institutions:* George Makdisi, "Muslim Institutions of Learning in Eleventh Century Baghdād", in *Bulletin of the School of Oriental and African Studies* (BSOAS), XXIV (1961), 1-56.

*Shadharāt:* Ibn al-'Imād, *Shadharāt adh-dhahab fī akhbār man dhahab*, 8 vols. Cairo: Qudsī Press, 1350-51/1931-32.

*Ṭabaqāt:* Subkī (Tāj ad-Dīn), *Ṭabaqāt ash-shāfi'īya al-kubrā*, 6 vols. Cairo: Ḥusainīya Press, 1324/1906.

*Tabyīn:* Ibn 'Asākir (Abū'l-Qāsim), *Tabyīn kadhib al-muftarī fī-mā nusiba ilā 'l-Imām Abī 'l-Ḥasan al-Ash'arī*. Damascus: Taufīq Press, 1347/1928.

*Theology:* Richard J. McCarthy, S. J., *The Theology of al-Ash'arī*. Beyrouth: Imprimerie Catholique, 1953.

*Wafayāt:* Ibn Khallikān, *Wafayāt al-a'yān wa-anbā' abnā' az-zamān*, ed. Muḥammad Muḥyī'd-Dīn 'Abd al-Ḥamīd, 6 vols. Cairo: Nahḍa Press, 1948.

Ash'arism is linked with the rise of the Niẓāmīya Colleges, especially that which was founded in Baghdad by Niẓām al-Mulk. In a study recently published (1), I concluded, among other things, that there was no such victory of Ash'arism in Baghdad.

In the present study, I propose that we examine the claims of Ash'arism to orthodox victory after its failure in the 'Abbāsid capital. To do this, we must follow the Ash'arite movement to its new rallying point in Damascus. There, we will call upon two witnesses: the 12th century Ibn 'Asākir and the 14th century Subkī; both, eminent historians; both from Damascus; and both, fervent Ash'arite propagandists. We could hardly be accused of using witnesses whose testimony would be prejudicial to the Ash'arite cause.

* * *

What we know of the history of the Ash'arite movement has, in effect, been based primarily on Ibn 'Asākir's *Tabyīn* and Subkī's *Ṭabaqāt*. It is mainly to these two works that we owe the image we now have, in our manuals on Islam and Islamic history, of the development of Muslim theology in the Middle Ages. This image tells a story which may be said to consist of three general stages.

In the first stage we have, on one side, the traditionalists, and on the other, the rationalists. The traditionalists rely on faith and shun reason; the rationalists glorify reason and have little use for faith. These two camps are continually at odds. Their perennial quarrels create a cleavage in theological thinking. A period of trouble ensues in which the partisans of reason, with the help of the arm of secular power, persecute the partisans of faith. From this era emerges the figurehead of the great traditionalist Aḥmad b. Ḥanbal, who heroically undergoes the great inquisition known as the *miḥna* (2). Although he heroically survives it, the traditiona-

(1) *Muslim Institutions.*

(2) On this *miḥna*, see Walter M. Patton, *Aḥmed Ibn Ḥanbal and the Miḥna* (Leiden: E. J. Brill, 1897).

lists do not triumph; they continue to fight a losing battle.

In the second stage we have the dramatic emergence of Ash'arī. At first a Mu'tazilite, Ash'arī turns renegade and joins the traditionalist camp. He brings along with him his rationalist weapons and places them in the service of traditionalism. An ideal situation comes into being: we have the beginnings of solid orthodoxy, with faith henceforth supported by reason. But somehow this solid orthodoxy does not take root. Ash'arī, having earned the wrath and ire of his erstwhile companions, the Mu'tazilite rationalists, does not, for all that, win the esteem and affection of his newly-chosen ones, the traditionalists. Among these, it is said, he is resisted by the "ultra-conservative" ḥanbalites. And this, in spite of the fact that he had placed himself under the banner of their heroic eponym, Aḥmad b. Ḥanbal.—Ash'arī dies in the first part of the tenth century. A long period of silence follows his death. Then, towards the middle of the eleventh century, we see those who carry his name, the Ash'arites, being pursued, persecuted and dispersed to the four winds. All seems lost.

But in the third stage, a sudden and dramatic reappearance is staged by these Ash'arites. Our attention is riveted by two prominent figures, a great theologian and a powerful prime-minister: Ghazzālī and Niẓām al-Mulk. It is said that Niẓām has a predilection for Ash'arites, because he is a good Shāfi'ite. He takes them under his wing. He establishes for them a network of institutions called the Niẓāmīya Colleges; and to them he turns over the endowed professorial chairs. To the greatest Ash'arite of all, Ghazzālī, goes the chair of the greatest college of all, Baghdad's Niẓāmīya. Now, at last, with the right support and protection, the Ash'arites can breathe freely. And so, as the story goes, they set about propagating their doctrines unhindered. The Mu'tazilites, defeated, receive their *coup de grâce*, and fade away from the scene. The Ḥanbalites, though still very much alive, succeed only in making a nuisance of themselves with their die-hard traditionalism. The Ash'arites, however, keep to the middle course between these two extremist groups, and with triumph written all over them, march on as the dominant, largest, school of theology,

carrying the banner of orthodoxy, straight through the centuries and down to modern times.

This story has many versions. New elements are introduced which modify the details somewhat. But the main plot remains unchanged. The variations all play on the same theme. The images emerging maintain the same general outline. And the outline is clear and simple and sensible. That is why, on the whole, we have been satisfied with it for some time now. Indeed, there seemed to be no reason for not being satisfied. These lines of development which have been sketched correspond to those of other revealed religions; for instance, Christianity. Beginning with faith in the divine revelation, we have fideist traditionalism. Then we have the opposing current of skeptical rationalism. And finally, we have orthodoxy emerge as the sensible middle course between two extremes.

To this reasonable explanation of the development of religious thought, there can hardly be any objection. The development itself is normal enough, and the history of thought attests to it. But the history of Islamic thought does not, to my mind, attest to Ash'arism's triumph as the orthodoxy of Islam in the Middle Ages. Ash'arism's alleged triumph in Baghdad in the eleventh century, under the aegis of Niẓām al-Mulk, is due to a misreading of history(1). The sources clearly show a struggle, but no triumph. This point is sufficiently clear. After its failure in Baghdad, the Ash'arite movement moved on to Damascus. There, the sources attest once more to a struggle over a period of at least two centuries, and again without triumph. The old sources, I believe, make this point sufficiently clear. At least, this is what I hope to show in the following pages.

## *Origin of the Ash'arite Image*

Our image of Ash'arism is the twin of that which has served to illustrate Ash'arite works. This should not surprise us.

(1) See *Muslim Institutions*, esp. pp. 3 and 47.

For, in shaping it, we had followed the model fashioned in the best Ash'arite workshops.

It was with the publication of an Ash'arite source(1) that Islamic studies in the field of Muslim theology got off to a serious start. This was more than a century ago. Since that time, Ash'arite sources have continued to attract the major part of our attention for knowledge concerning religious orthodoxy in Islam (2). Two of these source books, heavily relied upon, were written by two heresiographers who assured us that Ash'arism represented the final stage in the development of Muslim orthodoxy (3). These heresiographers happened to be Ash'arites. In affirmation of this Ash'arite axiom, two historians readily supplied us with the data needed in order to trace the historical development of this orthodoxy. These historians also happened to be Ash'arites.

As the details of this image were being gradually filled in, one particular detail, of no small consequence, could not be made to fit. This was Ash'arī, eponym of the Ash'arite movement. Ash'arī, as represented by the Ash'arites, fitted well enough into the picture. It was Ash'arī, as we ourselves could see him in works attributed to him (4), who did not fit quite so easily. The *Ibāna 'an uṣūl ad-diyāna* showed him as a pure and simple traditionalist, a true follower of the arch-traditionalist Aḥmad b. Ḥanbal. Here, Ash'arī was too much

(1) Shahrastānī's *al-Milal wa'n-niḥal*, translated into German by Theodor Haarbrücker, *Religionsparteien und Philosophenschulen*, 2 vols. (Halle, 1850-1851).

(2) Besides Shahrastānī's *Milal*, we will only cite a few, among others, made available by 1930: Ibn 'Asākir's *Tabyīn* and Subkī's *Ṭabaqāt;* Baghdādī's *Farq bain al-firaq* and *Uṣūl ad-dīn;* and then those works attributed to Ash'arī himself: *al-Ibāna 'an uṣūl ad-diyāna, Istiḥsān al-khauḍ fī 'ilm al-kalām*, and *Maqālāt al-islāmiyīn.*

(3) Shahrastānī's *Milal*, I, 119 (cf. Baghdādī, al-*Farq bain al-firaq*, ed. 'Izzat al-Ḥusainī (Cairo : Thaqāfa Islāmīya Press, 1367/1948), 189); Baghdādī, *Uṣūl ad-dīn* (Istanbul: Government Press, 1346/1928), 309-310.

(4) *Ibāna, Istiḥsān, Maqalāt, Luma'*. This last work was recently published (with English translation) along with a re-printing of *Istiḥsān* (and English translation) and a re-analysis of the *Tabyīn* in English (more detailed than the previous one in French by A. F. Mehren, *Exposé de la Réforme de l'Islamisme*, International Congress of Orientalists, 3rd session, St. Petersburg-Leiden 1879, vol. II, 167-332) as one of the key sources on Ash'arite history; see R. J. McCarthy, S. J., *The Theology of Ash'arī* (Beirut: Imprimerie Catholique, 1953).

of a traditionalist to be Ash'arite. And the work entitled *Maqālāt al-islāmīyīn* further strengthened this traditionalist side of Ash'arī. On the other hand, the *Istiḥsān al-khauḍ fī 'ilm al-kalām* made him out to be a zealous advocate of *kalām*, the use of which was the distinguishing mark of the rationalist, arch-enemy of the traditionalist.

One of the founders of Islamic studies in the West, Ignaz Goldziher, was the first to be struck by the impact of the *Ibāna*'s message. From it he rightly understood that Ash'arī's theological stance was plainly Ḥanbalite-Traditionalist. And judging this work, rightly or not, to be the final expression of Ash'arī's religious beliefs, he could not help but come to what has since appeared as a drastic conclusion ; namely, that Ash'arī had nothing to do with *Ash'arite* orthodoxy. Goldziher insisted that the credit for this orthodoxy must go not to Ash'arī, but to the *Ash'arites* (1). According to this view, the Ash'arites were *not followers* of Ash'arī; they merely *came after him.*

This was indeed an unsettling thought. For how could we continue to talk about *Ash'arite* orthodoxy, if *Ash'arī* had nothing to do with it? Wensinck it was who posed this reasonable question. He posed it because he, in turn, had arrived at a conclusion which was no less unsettling than that of Goldziher. Wensinck had been comparing the *Ibāna*'s Ash'arī with Ash'arī as portrayed by an eminent Ash'arite, Imām al-Ḥaramain al-Juwainī (2). This portrayal, which made of Ash'arī an out and out rationalist, was reinforced by the publication of a new treatise attributed to Ash'arī, the above-mentioned *Istiḥsān* (3). Since the *Ibāna*, on the other hand, made of Ash'arī an out and out traditionalist, Wensinck

(1) Ignaz Goldziher, *Vorlesungen über den Islam*, 2nd ed. Franz Babinger (Heidelberg: C. Winter, 1925), 121; Ignaz Goldziher, *Le dogme et la loi de l'Islam*, transl. Félix Arin (Paris: P. Geuthner, 1920), 101.

(2) A. J. Wensinck, *The Muslim Creed* (Cambridge University Press, 1932), 92-93.

(3) Published in 1905, and excerpted by M. Horten in 1912 (see *Die Philosophischen Systeme der spekulativen Theologen im Islam*, 623), the work was most likely known to Goldziher who could have discounted its message because he considered the *Ibāna* to be the last work of Ash'arī, representative of his last theological attitude. Horten's book was dedicated to Goldziher.

could not help but ask himself whether Ash'arī was in fact "a man with two faces?" (1) For if we are to take Ash'arī as portrayed in his works *and* by the Ash'arites, it would be easy to see that Ash'arī either had a "double", or a split personality.

No doubt Wensinck's thought was also drastic; but, like Goldziher's thought, it was far from being idle. The surprising thing about it is that it had not been conceived at a much earlier date. For the Ash'arite propagandists themselves had been spreading the idea of a two-way Ash'arī over a period of centuries. Ash'arite Shahrastānī (d. 548/1153) ends his outline of the historical development of Muslim orthodoxy with a simple declaration of Ash'arī's two ways (2). Subkī (d. 771/1370), perhaps the greatest known Ash'arite propagandist, also speaks of Ash'arī's two ways (3).

Thus the disturbing notion of a two-way Ash'arī, finally conceived by Western scholarship, would not have disturbed the Ash'arites in the least. This Ash'arite notion was a "home-grown" product which the Ash'arites had developed over the centuries and hopefully tried to convey to their readers. We can therefore no longer charge such Western scholars as Wensinck with being "out of sympathy" with Ash'arī (4); his disturbing question was only the logical result of the Ash'arite materials he had faithfully studied. The Ash'arites themselves would not have thought him to be out of sympathy with Ash'arī. On the contrary, they would have thought him to be rightly guided and would have hoped that he would only

(1) A. J. Wensinck, *The Muslim Creed*, 91.

(2) See Shahrastānī, *al-Milal wa'n-niḥal* (on the margin of Ibn Ḥazm, *al-Fiṣal fī 'l-milal wa'l-ahwā' wa'n-niḥal*. Cairo: al-Adabīya Press, 1317-21/1899-1903, 5 vols.), I, 132, lines 7-10.

(3) *Ṭabaqāt*, III, 13, lines 15-18: "madhhabu 'l-Khaṭīb fī'ṣ-ṣifāti annahā tumarru kamā jā'at... wa-hādhā madhhabu 'l-Ash'arī... wa-li'l-Ash'arī qaulun ākharu bi't-ta'wīl". ("The doctrine of al-Khaṭīb [al-Baghdādī, d. 463/1071] regarding the divine attributes is that they should be allowed to pass intact (to posterity) just as they came (to us)... This is also Ash'arī's doctrine... Ash'arī has also another doctrine upholding metaphorical interpretation.").

(4) See W. Montgomery Watt, *Free Will and Predestination in Early Islam* (London: Luzac, 1948), 135.

make up his mind and answer his own question as to Ash'arī's two faces in the affirmative.

No sooner do we see this harmony between Wensinck and the Ash'arites than we begin to have some "disturbing" questions of our own. Why should Ash'arite propagandists wish to cast such dubious light on the eponym of their school? Why do they admit, let alone insist upon, a two-way Ash'arī? After much pondering, hesitation and misgiving, one finally begins to see the light. These Ash'arites are quite serious in their purpose. They have not the slightest desire for us to see in Ash'arī a "Dr. Jekyll and Mr. Hyde". What they desire us to see in him is a normal man with two profiles, one markedly different from the other, but both constituting the identification of one and the same thing, in the same manner as the two sides of a coin.

But what did the Ash'arites hope to gain by disseminating the image of a two-way Ash'arī? What benefit did they expect to derive and from what source? It is in Ash'arite propaganda, when carefully read in the light of events contemporary with it, that the most reliable answers to these questions may be found. Thus we may learn that the Ash'arites were in need of (1) gaining legitimacy for their doctrines, (2) in order to be admitted into the ranks of the orthodox, (3) through membership in the Shāfi'ite school of law.

This was not a new scheme originating with the Ash'arites. It was an old one used before them by the Mu'tazilites.

### *Orthodoxy and the Sunnite Schools of Law*

In order to see why a sunnite school of law was the principal object of Ash'arite propaganda, it is necessary to understand the position occupied by the schools of law in the general scheme of Muslim orthodoxy. This will help us at the same time to understand what determined orthodoxy itself in Islam which, then as now, had no councils or synods to define it.

Orthodoxy in Islam represents that which is standard, in the sense that the overwhelming majority in Islam constitutes its

membership (1). It is in this sense that Sunnism (now 90% of Islam) is orthodox. From Sunnism's point of view, Shī'ism (9%) and Khārijism (1%) are heterodox.

Sunnite orthodoxy is determined by membership in one of the Sunnite schools of law, all of which follow the *sunna* (tradition) of the Prophet. This is in contradistinction to the Shī'ites who also admit the authoritative teaching of the Imāms. At the time with which we are now concerned, there were five recognized sunnite schools of law: the Ḥanafite, Mālikite, Shāfi'ite, Ḥanbalite and Ẓāhirite (2).

The most practical means of determining orthodoxy was membership in one of the Sunnite schools of law. To be a member of a school of law, one had only to adhere to its juridical system. These schools were the guardians of the divine positive law *(sharī'a)* which embraced both the civil as well as the religious life of the faithful.

The rise of institutions of learning in the 11th century, as I attempted to show in a recent study (3), was the rise of the colleges of law. The highest recognition was reserved for the professor of law—the jurisconsult. There were no professorial chairs for the other teaching positions (4). And *kalām* theologians, that is, experts on the science of *kalām*, did not, *as such*, have any teaching position whatever.

This being the case, each legal system, with its endowed exclusive colleges of law (the *masjid*, the *madrasa*), became, as it were, a recruiting center for orthodoxy. There was rivalry among the various legal systems for greater membership. Greater membership led to greater influence in the community; and this influence led, in turn, to greater financial support from those in power who were interested in controlling the masses.

(1) Cf. J. Schacht, New Sources for the History of Muhammadan Theology, in *Studia Islamica*, I, 36.

(2) The Ẓāhirite School has since become extinct for reasons which will be mentioned in part II of this article.

(3) *Muslim Institutions.*

(4) Such as that of the Koranic reader, the expert on traditions, the grammarian. These men held lectureships, not professorial chairs, their subjects being subsidiary in relation to the study of law. See *Muslim Institutions*, 11; see also the endowment charter of the Niẓāmīya College of Baghdad, *op. cit.*, 37.

The rise of the college of law as the only endowed exclusive institution meant something more than a highly organized recruiting center. It meant that any system of thought, in order to survive, had to be affiliated with one of the schools of law. A theological system, in order to be sanctioned as legitimate, to propagate its doctrine, to provide for its perpetuation, had to be adopted by a legal system.

Like all theological systems, Ash'arite theology was in need of such adoption. For there were no endowed theological colleges; hence, no recruiting centers for theological systems; hence, also, the "infiltration" of the schools of law by the schools of theology (1).

This need was clearly understood by all three major theological systems of the period. Traditionalism was safely and solidly entrenched in every one of the schools of law, with the Ḥanbalite school acting as spearhead of the movement. From this strong position, traditionalism pitted itself against the other two movements: first, Mu'tazilism, in its efforts to infiltrate the Ḥanafite school of law; then, Ash'arism, the object of our present concern, in its efforts to infiltrate the Shāfi'ite school.

Why, one may ask, did the Ash'arites concentrate their efforts on the Shāfi'ite school of law? An answer to this question may be arrived at by way of elimination. The Ḥanafite school was still strongly infiltrated by Mu'tazilism when rationalist Ash'arism sought to make its bid for orthodoxy. The Mālikite school was on the wane in Baghdad where, in comparison with the other schools of law, it had not been too strongly represented. Its prospects as a "recruiting center" were almost nil (2). As for the Ḥanbalite school, not only was it overwhelmingly traditionalist, it was also too insular, concentrated, as it was, in Baghdad and its environs. The Ẓāhirite school was on the wane, more so than the Mālikite; indeed, it was destined to become extinct in the 11th century in Baghdad.

(1) We have discussed at length the relationship of the schools of law to the schools of theology in a forthcoming book.

(2) Its exclusive institutions of learning, if it had any such institutions in Baghdad, were not prominent. See, in contrast, those of the other schools of law, in *Muslim Institutions*, 17 ff., 23 ff., 26 ff.

The Shāfi'ite school of law presented the best available opportunities, though these were hindered by a serious drawback. A major school in Baghdad, it was also broadly represented throughout the eastern caliphate. This broad representation facilitated infiltration, especially outside of Baghdad, particularly in Khurāsān. The serious drawback was that the Shāfi'ite school was highly traditionalist.

By reason of their greater majority in the Muslim community, the Ḥanafite and Shāfi'ite schools, with extensive memberships throughout the lands of the eastern caliphate, presented rationalism with the best opportunities for successful infiltration and, hence, legitimacy. And of these two schools, the Ḥanafite was the more prone to rationalism, and its element of tradition was weaker. Ash'arism may well have attempted to dislodge Mu'tazilism and take the latter's place in the Ḥanafite school. Such a reason may have been at the basis of the struggle between Ḥanafite Mu'tazilites and Shāfi'ite Ash'arites in Khurāsān, in the first part of the 11th century. Its upshot in 445/1053 was the cursing of Ash'arī publicly from the pulpits by order of the Great Saljūq Ṭughril Beg, as advised by his minister Kundurī. Both Ṭughril Beg and Kundurī were Ḥanafites.

However this may be, the Ash'arites, after the advent of Niẓām and his Niẓāmīya Colleges, concentrated their efforts on the Shāfi'ite School. Ash'arism's object being legitimacy, any of the four schools could have served the purpose, at least at the start. The ideal situation was the eventual infiltration of *all* the schools of law. That this was in fact the ambition of the Ash'arite movement is sufficiently clear from the statements of the Ash'arite propagandists who not only boasted membership in all four schools, but claimed that all of them, except for ultra-rationalists (Mu'tazilites) and crass anthropomorphists (their way of designating traditionalist Ḥanbalites), believed in the Ash'arite creed. But only traditionalism could realistically boast of a significant membership in every school of law. The great struggle which began in the 11th century was not between Ash'arites and Mu'tazilites, nor even between Ash'arites and Ḥanbalites; it was a struggle of rationalist Ash'arism against the overwhelming traditionalist

forces of all sunnite schools of law. That is why, first in Baghdad, and later in Damascus, that stronghold of traditionalism which was the Shāfi'ite school of law, proved for the Ash'arites a very hard nut to crack.

### *Some Theological Terminology*

In order to appreciate Ash'arite propaganda adequately, it is necessary to understand some technical terms relative to theology. These terms belong to the sphere of dogmatic theology, not juridical theology. The reason for this is simple enough: law was not a point of contention. For instance, *uṣūl al-fiqh* (sources or principles of law), *fiqh* (law), and *faqīh* (jurisconsult), are terms the contents of which are agreed upon by all.

Not so the terminology used in theology. To a traditionalist, i. e. a follower of the Pious Ancestors *(Salaf)*, theology is designated by the term *uṣūl ad-dīn*, meaning literally the sources or principles of religion, on the analogy of *uṣūl al-fiqh*, meaning literally the sources or principles of law, and hence legal theory and methodology. However, another term which came to designate theology is *kalām*. But this term is reserved by the traditionalist theologian to designate only that type of theology indulged in by the rationalist.

Whereas the rationalist theologian uses both terms interchangeably, equating *kalām* with *uṣūl ad-dīn*, the traditionalist regards *uṣūl ad-dīn* as the only legitimate king of theology, and condemns *kalām* and its partisans as outside the pale of orthodoxy (1). Anti-kalām literature abounds in the writings of traditionalists. It is directed not merely against the Mu'tazilites, but also, and especially, against the Ash'arites (2).

(1) The partisan of *kalām* is fully aware of the difference in language usage regarding *kalām*. Cf. below, p. 50 n. 1; cf. also Subkī in his *Ṭabaqāt* (I, 197), where he refers to *Ahl al-kalām* as *Ahl ad-dīn* (the partisans of religion, the people of religion), on the analogy of *uṣūl ad-dīn*, instead of *kalām*. He does this on the occasion of one of his frequent attacks against Dhahabī who, says Subkī, criticizes *Ahl ad-dīn*. It is quite obvious that Dhahabī opposes *Ahl al-kalām*, not *Ahl ad-dīn*.

(2) Few of these works carry the condemnation in the title itself, as, for instance, in the case of the Shāfi'ite traditionalist Abū Sulaimān al-Khaṭṭābī al-Bustī

To a traditionalist, a legitimate theologian is one who belongs to *Ahl al-Ḥadīth*, the partisans of tradition, who set themselves against *Ahl al-Kalām*, the partisans of *kalām*, singly designated as *mutakallim*, that is, a *kalām*-expert. It is interesting to note, at this point, that the traditionalist has no term with which to designate the single partisan of tradition, as *mutakallim* is the single partisan of *Ahl al-Kalām*. The term *muḥaddith* is not derived from *Ahl al-Ḥadīth;* for *muḥaddith* means a *ḥadith*-expert, an expert on Muslim traditions. Such an expert could be a rationalist or a traditionalist. For this reason, in order to avoid ambiguity, we shall refer to a *muḥaddith* as a *traditionist* (not necessarily traditionalist, as opposed to rationalist).

Thus there is no term for a single partisan of tradition. He may be a jurisconsult *(faqīh)* or a traditionist *(muḥaddith)* who is said to be "of the partisans of tradition" (a traditionalist), as distinguished from the partisans of *kalām* (a rationalist).

The traditionalist is careful in the use of his terms, for he is anxious to keep a sharp distinction between the domain of traditionalism, which he considers to be legitimate, and the domain of rationalism which, to him, is not. On the other hand, the rationalist uses key terms interchangeably, or associates one set of terms with the other in such fashion as to blurr the lines of demarcation and render them vague. His tactics succeed with the passage of time, to the extent that the clarification of terms becomes a never-ending preoccuptation of the traditionalist.

For the traditionalist, knowing his position to be that of the orthodox majority, is jealous and possessive of his heritage and is forever setting up boundaries to keep the rationalist minority

(d. 388 H.), author of *al-Ghunya 'an al-kalām wa-ahlih*, "Freedom from need of *kalām* and its partisans" (*Ṭabaqāt*, II, 218, line 15), or of the Ḥanbalite mystic, al-Anṣārī al-Harawī (d. 481 H.), *Dhamm al-kalām*, "The Censure of *Kalām*", or of the Ḥanbalite traditionalist Ibn Qudāma (d. 622 H.), *Taḥrīm an-naẓar fī kutub ahl al-kalām* (G. Makdisi, *Ibn Qudāma's Censure of Speculative Theology* [GMS, N. S. XXIII], London, 1962); but the censure of *kalām* is nevertheless an essential part of traditionalist literature, as for instance in other works of Ibn Qudāma and in a great number of works by Ibn Taimīya (d. 728 H.) and other traditionalists.

out. Whereas the rationalist is forever upsetting these boundaries in order to get himself in (1).

What is this *kalām* which is censured by the traditionalists? The word itself means "discourse", "speech", "words", and as such it may be applied as a technical term to various things. The famous traditionalist Ibn Taimīya recognizing the ambiguity of the term, tries to make matters clear (2). He first makes a statement as to what *kalām* is not. The *kalām* which was censured by the Pious Ancestors and the Imāms (such as Mālik and Ibn Ḥanbal) was not the discourse of the Qadarites, as claimed by Baihaqī and Ibn 'Asākir who wanted to exculpate their Ash'arite companions. Nor is that *kalām* which was censured by the Pious Ancestors the mere use of reasoning *(naẓar)*, argumentation *(iḥtijāj)* and disputation *(munāẓara)*. It is rather that science which attempts to discourse on matters which are properly articles of faith (3). Thus it is the introduction of such philosophical terms as accident, body, substance, etc., in the articles of belief, and reasoning, arguing and disputing with regard to them—this is the *kalām* which was censured by the Pions Ancestors.

The distinction between a traditionalist and a rationalist may best be illustrated in their respective attitudes with regard to the divine attributes. And this may usefully be done by briefly sketching Shahrastānī's account of the historical development of Muslim theology from the time of the Pious

(1) It is only when a clarification serves his purpose that the rationalist will insist upon it. As, for instance, in the case of Subkī who, in order to minimize Ghazzālī's detrimental statements concerning *kalām*, is anxious to show that Ghazzālī's books on *uṣūl ad-dīn* (dogmatic theology) are not *kalām* (speculative, rationalist, theology), "according to the method of the *kalām*-experts." (See *Ṭabaqāt*, IV, 103, lines 18-19). Elsewhere (*op. cit.*, IV, 242, line 12), Subkī, when citing a book on *uṣūl ad-dīn*, makes it clear that the work is "according to the doctrine of the Pious Ancestors" *('alā maddhab as-salaf)* as distinguished from that of the *kalām* experts. (Cf. *Kashf*, I, 977, where the same work is cited).

(2) Ibn Taimīya, *Kitāb an-nubūwāt* (Cairo: Munīrīya Press, 1346/1928), 146 ff.

(3) Cf. *op. cit.*, 147, line 19: *"wa-hādhihi hiya uṣūlu 'd-dīni wa'l-īmān"*. As for instance the matter of affirming the existence of the Creator on the basis of the contingency of bodies, and the contingency of bodies on the basis that accidents can exist only in a body and that that which has accidents is of necessity contingent. This, says Ibn Taimīya, does not affirm the existence of God or any other of those articles of faith such as the resurrection, prophethood and the rest.

Ancestors down to Ash'arī (1). This will serve to show how Ash'arite Shahrastānī associates Ash'arī with the Pious Ancestors.

The Mu'tazilites, who have been called the first rationalists of Islam, denied the divine attributes; thus they were called *mu'aṭṭila*, or partisans of *ta'ṭīl*, meaning the *denudation* of God of His attributes. The Mu'tazilites were the first users of *kalām*. They did away with the divine attributes by the use of metaphorical interpretation *(ta'wīl)*.

The Pious Ancestors, *Salaf*, who upheld the divine attributes were called *ṣifātīya*, because they *affirmed the attributes (ithbāt aṣ-ṣifāt)*. They opposed and censured *kalām* and metaphorical interpretation.

Some of the *Salaf* exaggerated their affirmation of the divine attributes and thus fell into anthropomorphism, i. e., *tashbīh*, and were called the *mushabbiha*, partisans of *tashbīh* (the ascription of human characteristics to God).

Between the extreme of Mu'tazilism's *ta'ṭīl* by use of *ta'wīl* and anthropomorphism's *tashbīh*, another group of Pious Ancestors followed what they believed to be the orthodox middle road; i.e., acceptance of the scriptural references to God's attributes as they are, without *ta'wīl* and without *tashbīh*. Their attitude is described as that of *tafwīḍ*, leaving their real meaning to God, or *ijrā'* and *imrār*, letting the scriptural texts pass on intact as they were handed down.

Then Shahrastānī tells us that such was the attitude of the Pious Ancestors, like Mālik, Ibn Ḥanbal, Sufyān and Dāwūd al-Isbahānī, down to Kullābī, Qalānisī and Muḥāsibī, and declares that these latter were the first users of *kalām* among the Pious Ancestors.

Shahrastānī goes on to say that it is this group of *kalām*-using Pious Ancestors that Ash'arī joined after leaving the Mu'tazilites. And since that time the term *ṣifātīya* was applied to the Ash'arites, as upholders of the divine attributes.

Then Shahrastānī says that Ash'arī is known to have followed the method of the Pious Ancestors, namely, affirming the

(1) See Shahrastānī, *Milal*, I, 116-119.

divine attributes as they are handed down in scripture without running the risk of using *ta'wīl*. But Shahrastānī adds that this is only *one of two doctrines* ascribed to Ash'arī, the other being the admissibility of *ta'wīl* (1).

This makes Ash'arī the follower of *two middle roads:* (1) that of the Pious Ancestors who were anxious to avoid two extremes: *ta'wīl* and *tashbīh;* and (2) that of the "*kalām*-using orthodox" who wanted to uphold the divine attributes, against the Mu'tazilites, and uphold the use of *ta'wīl* in order to avoid falling into *tashbīh*. The former attitude is regarded by the Ash'arites as being *ṭarīq as-salāma*, the road of salvation, and the latter is regarded by them as being *ṭarīq al-ḥikma*, the road of wisdom; both of which roads were travelled by Ash'arī himself.

By virtue of Ash'arī's two middle roads, those who followed the one or the other were equally Ash'arite, equally orthodox.

## Two principal sources of the Ash'arite story

Two biographical works have played a major role as sources for the history of the Ash'arite movement. Both were written by Ash'arites. These sources have not been examined as closely as they deserve to be. It is not merely that, being authored by Ash'arites, these sources are biased; traditionalist sources are no less biased in favor of traditionalism. It is rather that these sources have been used mainly for what direct information they could give us on Ash'arism, information which is undeniably valuable for Ash'arite history; they have yet to be used seriously for what indirect information they contain, information which the authors did not set out to convey, but which they could not avoid doing, being themselves a product of their own times. In the mine of information which these sources have been known to represent, there are therefore still some rich veins that have yet to be tapped (2).

(1) *Op. cit.*, I, 132.

(2) The analyses which follow, far from being exhaustive, are adequate, I believe, for the purpose at hand.

The first source is the *Tabyīn* of Ibn 'Asākir (d. 571 H.) (1); and the second, the *Ṭabaqāt* of Tāj ad-Dīn as-Subkī (d. 771 H.) (2).

## *Ibn 'Asākir's* Tabyīn

The first part of the *Tabyīn* is concerned with Ash'arī. A laudatory biographical sketch seeks to establish his greatness on the basis of his noble Arab ancestry and the excellence of his doctrine as that of the middle position. This part takes up more than one-third of the book (153 pages). The second part is taken up with biographical notices of representative Ash'arites, divided into generations of disciples, from the time of Ash'arī down to that of the author: eighty-one Ash'arites in all. This part is equal to the first part. The third part consists of the legitimacy of *kalām* and of Ash'arism (30 pages), followed by a refutation of an adversary, Ahwāzī (62 pages), and the conclusion (5 pages).

W. Spitta was the first to make extensive use of the *Tabyīn* of Ibn 'Asākir in his study on Ash'arī (3). Speaking of the *Tabyīn*, he says that the work owes its existence to a fight between the Ash'arite and Mu'tazilite sects. Thus the *Tabyīn* was supposed to be aimed at a Mu'tazilite by the name of Abū 'Alī al-Ahwāzī (4).

A. F. Mehren, who was the first to outline the *Tabyīn* as a study on Ash'arī and the Ash'arites, referred to the section on *kalām* as a long digression (5). In a book which is supposed

(1) Ibn 'Asākir, *Tabyīn kadhib al-muftarī fī mā nusiba ilā 'l-imām Abī'l-Ḥasan al-Ash'arī* (Damascus: al-Taufiq Press, 1347/1928-9).

(2) Subkī, *Ṭabaqāt al-shāfi'īya al-kubrā*, 6 vols. (Cairo : al-Husainīya Press, 1324/1906).

(3) W. Spitta, *Zur Geschichte Abu 'l-Ḥasan al-Aš'arī's* (Leipzig: J. C. Heinrichs, 1876).

(4) W. Spitta, *op. cit.*, 13.

(5) See A. F. Mehren, « Exposé de la réforme de l'islamisme... » Travaux de la 3e session du Congrès International des Orientalistes (held in 1876). St.Petersburg-Leiden, 1879; vol. II, pp. 167-332.—Another outline of the *Tabyīn* was made by Richard J. McCarthy, S. J., in *The Theology of al-Ash'arī*, 145 ff., where in reference to the section on "The Legitimacy of *Kalām*" (see *op. cit.*, 183, note 63), the author says that "it seems significant that Ibn 'Asākir finds it relevant, and possibly necessary, to devote so much space to the subject."

to be a defense of Ash'arī against the false accusation of a Mu'tazilite, a long section in defense of *kalām* would not be merely digressive; it would be contrary to the purpose of the author. For the Mu'tazilites were themselves the very founders of *kalām*. Why waste time in convincing a Mu'tazilite of its legitimacy? This would have been something on the order of carrying coals to Newcastle.

But such was not the case. The adversary, Abū 'Alī al-Ahwāzī, was a Sālimite, not a Mu'tazilite. Ibn 'Asākir himself designates him as such in his *Tabyīn* (1). The Ḥanbalite Ibn Taimīya confirms it in his *Minhāj* (2). Spitta bases his information concerning the Mu'tazilism of Ahwāzī on Ibn 'Asākir's *Tabyīn*, of which he was using a manuscript in the Leipzig University Library (3). It is possible that this manuscript has a lacuna where the author speaks of the Sālimism of Ahwāzī (4), and that Spitta bases the Mu'tazilism of Ahwāzī on a text in the *Tabyīn* which refers to another person, 'Alī b. Aḥmad al-Baghdādī, whom Ibn 'Asākir designates as a Mu'tazilite (5).

The Sālimites are known for their hostility against the partisans of *kalām* (6). In the light of this fact, the long section devoted by Ibn 'Asākir, in his *Tabyīn*, to the legitimacy of *kalām*, is quite understandable and not at all digressive.

Nevertheless, Ibn 'Asākir was not primarily interested in refuting Ahwāzī, who died in the century previous to his own (7). Ibn 'Asākir was not interested in justifying *kalām* in the eyes

(1) See *Tabyīn*, 369 (line 5).

(2) See Ibn Taimīya, *Minhāj as-sunna*, III, 66 (lines 4-6).

(3) W. Spitta, *op. cit.*, 11; cf. *GAL*, I, 331.

(4) *Tabyīn, loc. cit.*

(5) See *Tabyīn*, 408 (line 18), and compare this with the previous page (lines 5-6). It is possible that *Tabyīn*, 408 (line 18), corresponds to Spitta's reference in *Zur Geschichte Abu 'l-Ḥasan al-Aš'arī's*, 13, n. 5, to folio 111 of the Leipzig manuscript. — I have not seen the Leipzig manuscript.

(6) See Louis Massignon, *Essai sur les origines du lexique technique de la mystique musulmane* (Nouvelle édition; Paris: J. Vrin, 1954), 295.

(7) Ahwāzī died, according to Ibn 'Asākir, on Monday, 4 Dhū 'l-Ḥijja, 446/ 6 March 1055; see *Tabyīn*, 364, W. Spitta, *op. cit.*, 14, n. 2. In his history of Damascus, Ibn 'Asākir cites Ahwāzī's death as having occurred in 426, see *GAL*, Suppl. I, 720.

of the Sālimites. He was interested in justifying Ash'arism in the eyes of the traditionalists of his own Shāfi'ite school of law. *Kalām* was the main stumbling block in the way of winning over these Shāfi'ites. And Ash'arism, in order to preserve its identity, had first and foremost to preserve *kalām*. For Ash'arism, without *kalām*, would be traditionalism pure and simple. Hence Ibn 'Asākir's case for *kalām*'s legitimacy.

The proof that the Shāfi'ite traditionalists were the main object of Ibn 'Asākir's propaganda efforts can be found in this all-important part of his book (1). The traditionalists, in fighting against *kalām*, always invoked the *dicta* of the Pious Ancestors *(Salaf)* and ancient *imāms* against it (2). It is altogether beside the point whether these *dicta* were authentic or not. What matters is that they were *accepted* by the traditionalists as being authentic; and Ibn 'Asākir himself deals with them as such. He does not attempt to show that they are false. Such an attempt, if indeed he entertained it at any moment, would have been disastrous to his cause. One simply does not endear himself to a traditionalist by telling him that his traditions are worthless old wives' tales. Instead, Ibn 'Asākir re-interprets these traditions in an attempt to render them harmless. Now there were many ancient imāms to whom such *dicta* have been attributed, including Shāfi'ī. But Ibn 'Asākir's principal interest was in Shāfi'ī. That is why the main part of his re-interpretation efforts is devoted to those traditions attributed to Shāfi'ī. Also, at the very beginning of this section on the legitimacy of *kalām*, Ibn 'Asākir quotes a saying, which must have had a wide currency in his day, to the effect that if no other than Shāfi'ī had condemned *kalām*, Shāfi'ī's condemnation alone would have been sufficient (3). It is in the countering of this objection to *kalām* that Ibn 'Asākir employs

(1) *Tabyīn*, 333 ff.

(2) For these *Salaf*, or ancient *imāms*, see M. Schreiner, "Beiträge zur Geschichte der theologischen Bewegungen im Islām", in *ZDMG*, LII, 528 ff., section IV: "Die dogmatischen Ansichten der alten Imâme," to which section many more names could be added.

(3) *Tabyīn*, 333, line 8: *"wa-lau lam yadhummahum* [i.e. the *kalām*-experts] *ghairu 'sh-Shāfi'ī—raḥimahu 'llāh—la-kafā."*

all his skill and ingenuity. But why should Ibn 'Asākir be more concerned about Shāfi'ī than about the great ancient fathers of Islam? Not merely because he himself was a Shāfi'ite, but also, and especially, because those whom he was trying to win over to the Ash'arite cause were Shāfi'ites. And if Shāfi'ī himself had condemned *kalām*, true followers of Shāfi'ī had no business adopting it. Hence the need to prove that Shāfi'ī had not condemned *kalām*.

To produce such proof was not an easy matter. For, in order to do so, Ibn 'Asākir, and later Subkī, had to discredit the testimony of the great Ghazzālī on the subject. Known as an Ash'arite as well as a Shāfi'ite, Ghazzālī occupied a middle position with respect to the problem of *kalām*'s legitimacy. He was neither totally for it, nor totally against it. His attitude was that this science should be used with caution, and only by those who can handle it with skill.

It was not, however, this view of *kalām* which stood in the way of its Ash'arite advocates. Both Ibn 'Asākir and Subkī make extensive use of this idea of Ghazzālī. One great obstacle standing in the way of Ash'arite *kalām* was that Ghazzālī had very plainly listed Shāfi'ī himself at the head of a list of fathers of Islam who held the view of *kalām*'s illegitimacy (1).

It is a simple enough matter to argue a point against a traditionalist, even a Shāfi'ite traditionalist if need be; but it becomes a very delicate matter when those who must be argued against are of one's own school, Ghazzālī, highly respected as both an Ash'arite as well as a Shāfi'ite. This is where the fine art of allusion is put to use.

In the introduction to the *Tabyīn*, Ibn 'Asākir alludes to Ghazzālī's work, *Iljām al-'awāmm 'an 'ilm al-kalām* (The restraining [literally: the reining in] of the common people from the science of *kalām*), by saying that Ash'arī, more than anyone else, attached the greatest importance to doing just

(1) See Ghazzālī, *Iḥyā' 'ulūm ad-dīn* (Cairo: Muṣṭafā Bābī al-Ḥalabī Press, 1358/1939, 4 vols.) Book ii, Section ii, first *mas'ala*, I, 100, line 26: *"wa-ilā 'l-laḥrīmi dhahaba 'sh-Shāfi'ī wa-Mālik wa-Aḥmad b. Ḥanbal wa-Sufyān [ath-Thaurī] wa-jamī'u Ahl al-ḥadīth mina 's-Salaf.*

this. It is therefore to be understood that Ash'arī was already restraining the common people from *kalām* long before Ghazzālī's time and message. And at the very outset of his section in defense of *kalām*, Ibn 'Asākir devotes his time to presenting the fathers of Islam, Shāfi'ī among the first, as in favor of *kalām*.

We are therefore a long way from a refutation of Sālimism or Mu'tazilism. Indeed, the Mu'tazilite founders of *kalām* could only have cause to rejoice in their graves. They could boast of having fathered the very science which Ibn 'Asākir was now employing himself so zealously in making palatable to Shāfi'ī's followers. They could even marvel at Ibn 'Asākir's boldly attempted *tour de force*. For the task which Ibn 'Asākir had set out for himself was not simple. It was no less than the reshaping of the image of the Mu'tazilite rationalist science of *kalām* in the minds of his Shāfi'ite anti-rationalist colleagues, in such fashion as to make this science appear as though it had come from the ancient fathers themselves. He was making this attempt in face of the centuries-long Shāfi'ite tradition against it.

But Shāfi'ite traditionalists, like all other traditionalists, had too strong, and too long, a memory. If they were impressed with Ibn 'Asākir's eloquence, they were not impressed with his message. His attempt failed. And other lesser stars in the rationalist Ash'arite firmament continued to rise (1), but to no avail. Ash'arism was in need of a powerful champion. But two long centuries had to pass before a worthy successor to Ibn 'Asākir could take up its cause.

## *Subkī's* Ṭabaqāt

Ibn 'Asākir's *Tabyīn* is Ash'arite propaganda; this is quite obvious. One has only to read the title of the work to see that it is a defense of Ash'arī (2). But it is not as obvious that the

(1) Cf. the treatise of al-Qurṭubī (d. 672/1272) the title of which is reminiscent of Ibn 'Asākir's *Tabyīn: Zajr al-Muftarī 'alā Abī 'l-Ḥasan al-Ash'arī*, quoted by Subkī, in his *Ṭabaqāt*, II, 288 ff., together with a eulogy of this treatise by Ibn Daqīq al-'Īd (d. 702/1302), *Ṭabaqāt*, II, 297 ff.; see *GAL*, Suppl. I, 490.

(2) *Tabyīn kadhib al-muftarī fī-mā nusiba ilā 'l-Imām Abī 'l-Ḥasan al-Ash'arī* (The exposure of the calumniator's lying concerning what has been imputed to the Imām Abū 'l-Ḥasan al-Ash'arī; see *Theology*, 147).

work was really meant for Shāfi'ites. With Subkī's *Ṭabaqāt ash-shāfi'īya*, the situation is reversed. One reads the title and sees that it is meant for the Shāfi'ites (1). But it is not as obvious that it contains an appeal, and that this appeal is on behalf of Ash'arism. Ibn 'Asākir's "defense of Ash'ari" could only attract the attention of Ash'arites; a Shāfi'ite had first to read the book before he could see that it was meant for him; and, in the process, he may well have missed the point, for it was a subtle point. That is why Subkī, who understood subtleties and the *Tabyīn* very well, thought it wise to drive this subtle point home by advertising to the Shāfi'ites that the *Tabyīn* was really meant for them (2).

But while fully endorsing the *Tabyīn*, Subkī had his own ideas on how to approach the problem. Obviously, Ibn 'Asākir had not done the job satisfactorily; at least, not well enough to have obviated the necessity of its being done over again. To Ibn 'Asākir's weapons, he added some of his own, planned his own strategy and moved to new and more familiar grounds. For his own propaganda, Subkī chose an unmistakably Shāfi'ite medium. He wanted the very title of his book to draw the Shāfi'ites' attention. Should a Shāfi'ite be so blind as not to see it, he was bound, at some point of his career as a Shāfi'ite jurisconsult, to trip over it.

After Ibn 'Asākir, Subkī is the best known advocate of Ash'arism and, of the two, the better qualified for the task at hand. Ibn 'Asākir was an expert on traditions who belonged to the Shāfi'ite school of law. With his authority as a traditionist, he could approach and speak to those in his school who clung to the traditions and resisted the Ash'arite innovation. But Subkī, in addition to being an expert on traditions in his own right, was also a shrewd lawyer. He was equally at ease with those who knew the traditions as with those who knew the law. And law and traditions were the two massive pillars

(1) *Ṭabaqāt ash-shāfi 'īya.* (The classes of Shāfi'ite jurisconsults), of which Subkī produced three editions of varying length: great, medium and small *(kubra, wusṭā, ṣughrā).* See *Kashf*, 1099, 1101, and *GAL*, Suppl. II, 106.

(2) See below, p. 59, where Subkī endorses the *Tabyīn* as required reading for the true Shāfi'ite jurisconsult.

supporting the great edifice of the Shāfi'ite school. Ibn 'Asākir's *Tabyīn* was written principally for the world of traditions in the Shāfi'ite school. Subkī's *Ṭabaqāt* was written for both worlds in that school, the world of law as well as the world of traditions.

Subkī himself makes this point very clear. From the start, he describes his book as being a work on history, literature, *law* and *traditions* (1). Later he again draws the attention of the reader to this fact (2). And it is also a fact that in his monumental work he consigns a treasure of literary and historical documents, especially those on law and tradition (3), which make his work a valuable sourcebook for Shāfi'ites. Through this medium, Subkī could bring about a conviction among Shāfi'ites in favor of Ash'arism.

Subkī was a capable propagandist and in his monumental work he had ample opportunity to mold the opinions and judgments of the majority of Shāfi'ites by playing on their emotional attitudes. His work was no piece of difficult theological reasoning; the story he was writing was principally the story of Shāfi'ism. But in it he makes his assertions for Ash'arism, assertions he never tires of repeating and the cumulative effect of which is undeniably strong.

His procedures, which we will examine presently, are many and varied, according to the particular case at hand. When he does not misrepresent unpleasant facts, he reinterprets them. When they are too well-known to be concealed, he mentions them without comment. His adversaries, the Ḥanbalite-traditionalists, come in for a lot of old name-calling ; and the Shāfi'ite traditionalists who give him the most trouble are dubbed as Ḥanbalite sympathizers. In doing this, he hopes to isolate the strong traditionalist elements within the Shāfi'ite school, by creating a psychological barrier between them and the Shāfi'ites who are yet uncommitted or still capable of changing camps.

(1) *Ṭabaqāt*, I, 109.
(2) *Op. cit.*, I, 176.
(3) Subkī gives a long list of the chains of transmiters used by him in his work; see *Ṭabaqāt*, I, 167 ff.

Subkī constantly strives to create a favorable attitude on the part of *Shāfi'ites* towards Ash'arite rationalism. In his book, the vocabularies of traditionalism and rationalism are intermingled; the purpose being to render the latter as acceptable as the former by association therewith. For uppermost in Subkī's mind is the creation of a new image of the Shāfi'ite school of law; a school composed of traditionalists and rationalists, a broad-minded school, inclusive of all the religious sciences, especially *kalām*, leader among the orthodox schools of law. In contrast thereto he fashions another image wherein he confines his enemies: a motley crew of narrow-minded anthropomorphists, weak-minded traditionalists and so-called scholars, who either parrot traditions they do not understand or fabricate traditions in an attempt to further their narrow ends. In this group he ranges the Ḥanbalites and, with them, those intransigent Shāfi'ite traditionalists who not only are too strongly anti-Ash'arite to be won over to the cause, but who do it the greatest harm.

Ash'arite propaganda in Subkī's *Ṭabaqāt* may be seen in three aspects of his work. First and foremost in his defense of *kalām* and Ash'arism as legitimate and representative of orthodoxy; secondly, in his appeal to the Shāfi'ites on behalf of Ash'arism; and thirdly, in his attack against the anti-Ash'arites, *especially those of the Shāfi'ite school*, not merely those of other schools. In all of this, Subkī was interested in convincing the *Sāfi'ites*, members of that school whose history he was in the process of writing.

### *Legitimacy of* Kalām *and of Ash'arism*

Subkī's method of dealing with anti-*kalām* traditions is an improvement over that of Ibn 'Asākir. This improvement may be seen in Subkī's citation of a tradition attributed to Shāfi'ī, on the authority of the well-known traditionist Ibn 'Abd al-Barr (1). The text of the tradition is so clearly and

(1) Abū 'Umar Yūsuf b. 'Abd Allāh al-Qurṭubī (d. 463/1071); see *GAL*, I, 367-368, Suppl. I, 628-629.

definitely anti-*kalām* that one wonders in anticipation how Subkī will extract the anti-rationalist venom from it and render it harmless. But Subkī has no intention of going into a long-winded and complicated explanation. He merely *affirms* that such traditions as this one have been related in censure of *kalām*. He then also *affirms* that other traditions have also been related which contradict them (1). Thus, allowed to stand as they are, the two sets of contradictory traditions cancel each other out. Subkī then refers the reader, for further details, to Ibn 'Asākir's *Tabyīn* and to his own *Man' al-mawāni';* there, the reader will gather that the traditions to believe are the traditions in favor of *kalām* (2).

Subkī will even admit that *kalām* is a dangerous science. This he readily and frequently concedes. But he hastens to add that, dangerous though it may be, *kalām* is necessary (3). The best thing to do is simply not to begin a discussion, unless an urgent, pressing need calls for it (4). A man has no business plunging into that which does not concern him in the science of *kalām* (5). Some people simply are not qualified to do so (6), and therefore should abstain from using it. Only those who are capable of handling it should make use of it when the need calls for it (7).

One of the most persistent types of sayings attributed to the Ancestors, especially Shāfi'ī, is that *kalām* should be avoided as a plague. Subkī goes along with this. He agrees that the Ancestors did indeed mean to enjoin the faithful from plunging into the submerging waters *(khauḍ)* of *kalām*. But once the above two criteria, qualification and need, are present, then *kalām* must be used by reason of orthodoxy's need for it. Here is one of the ways in which he expresses himself on this point: "discourse in matters of *kalām*, when necessary, is

(1) See *Ṭabaqāt*, II, 281: "*wa-hādhā* [=*al-ḥadīth*] *wa-amthāluhu mimmā ruwiya fī dhammi 'l-kalām wa-qad ruwiya mā yu'āriḍuh*".

(2) *Op. cit., loc. cit.*

(3) *Op. cit.*, I, 252-3; II, 12; II, 39-40.

(4) *Op. cit.*, I, 252, line 19; II, 39, lines 14-15.

(5) *Op. cit.*, I, 252, line 11.

(6) Dhahabī, for instance; *op. cit.*, I, 253, lines 8-9.

(7) Muḥāsibī, for instance; *op. cit.*, II, 39-40, and Shāfi'ī, whom Subkī represents as a highly accomplished expert on *kalām*, *op. cit.*, I, 241.

obligatory *(wājib)*; whereas holding one's tongue from it, in the absence of need, is meritorious *(sunna)*" (1).

It may be pointed out here that Subkī is addressing himself to Shāfi'ite lawyers and that the terms used for *obligatory* and *good* are legal terms. An act termed obligatory *(wājib)* is one of which the observance is rewarded and the neglect punished; and an act termed meritorious *(sunna)* is one of which the observance is rewarded, but of which the omission or neglect is neither blamed nor punished. This makes it possible to indulge in *kalām* at all times without any harmful effects. It takes the danger out of *kalām*.

The definitions that Subkī gives to a *mutakallim* and to an Ash'arite are very broad. A *mutakallim* is one who has *defended orthodoxy*; in the same manner as an Ash'arite is one who has *defended Ash'arī*. That is why we may find the very fathers of traditionalism themselves included among the *mutakallimūn* in Subkī's scheme; it also explains the presence of traditionalists, some known to be anti-Ash'arite, among the Ash'arites (2).

(1) *Op. cit.*, II, 12: *"fa 'l-kalāmu fī 'l-kalāmi 'inda 'li 'ḥliyāji wājibun wa 's-sukūtu 'anhu 'inda 'adami 'li 'ḥliyāji sunna"*.

(2) It is easy for Subkī to include under the denomination of "Ash'arite" those who were strictly traditionalist, followers of the *Salaf*, the pious ancestors. For he explains that Ash'arī did not really found a new school of thought; he merely took up the beliefs of the *Salaf* and defended them with reasoned arguments. Whoever imitated Ash'arī in the use of proofs, upholding the beliefs of the *Salaf*, became an Ash'arite. (*Ṭabaqāt*, II, 254-255). An Ash'arite is thus by definition: a follower of Ash'arī, a follower of the *Salaf*; he is also a user of *kalām* as a method.

Proceeding further (*op. cit.*, II, 255), we find Subkī asking his father ("ash-Shaikh al-Imām", d. 756) why Ibn 'Asākir, in listing the various generations of Ash'arites (in his *Tabyīn*), named so few of them. His father told him that Ibn 'Asākir limited himself to those who were known to have fought in his defense; otherwise, his father continued, it is true that the majority of the learned men of the various schools of law are in agreement with Ash'arī *(...ghāliba 'ulamā'i 'l-madhāhibi ma'ahu)*.

Subkī'd father then tells him that he once came across a work by a Mu'tazilite entitled *Ṭabaqāt al-mu'tazila*, the first biographical notice of which was devoted to 'Abd Allāh b. Mas'ūd (famous Companion of the Prophet; for his collected traditions see Aḥmad b. Ḥanbal, *Musnad* (6 vols.; Cairo: Maimanīya Press, 1313/1895) I, 374 (line 14)-466; died 32 or 33/653 or 654; see *Encyclopedia of Islam*, s. v.). Subkī told his father: if the Mu'tazilites could do this, the Ash'arites could claim Abū Bakr and 'Umar (first two Caliphs, died, respectively, in the year 13/634, and 23/644). Subkī's father then tells him that "a man's followers are those who follow him in his body of tenets and profess his doctrines by way of following and imitating,

The *mutakallims* are orthodox, according to Subkī. He shows this by the way he refers to them as *Ahl al-dīn*, a variant of his for *Ahl al-kalām;* on the analogy of *uṣūl al-dīn*, as a variant for *uṣūl al-kalām* (1). The *mutakallims* are those who expose the false doctrines of heretics, and upon whose expositions other rank and file *mutakallims* depend, in order to refute the heretics (2). For it is *kalām* that defeats the mu'tazilites (3). *Kalām* complements *fiqh*, and *fiqh*, without *kalām*, is inadequate for defending and explaining religion (4).

By the same token Ash'arites are experts on traditions, law, or *kalām*, or on all three sciences together (5). Ash'arī is the great defender of orthodoxy (6). Ash'arism not only defends

which is more intimate than being in agreement; for there is a great difference between following and being in agreement" (*"atbā'u 'l-mar'i man dāna bi-madhhabihi wa-qāla bi-qaulihi 'alā sabīli 'l-mulāba'ati wa-li 'qtifā'i 'lladhī huwa akhaṣṣu mina 'l-muwāfaqa; fa-baina 'l-mulāba'ati wa 'l-muwāfaqati būnun 'aẓīm."* *Op. cit.*, II, 255, lines 14-15).

There is, in fact, a Mu'tazilite biographical work, recently published, which cites as the first class *(ṭabaqa)* of Mu'tazilites, the first four Caliphs, followed by the "six greats" among the Companions of the Prophet, Ibn Mas'ūd being one of them. (See Aḥmad b. Yaḥyā b. al-Murtaḍā, *Ṭabaqāt al-mu'tazila*, ed. S. Diwald-Wilzer. Beirut: Imprimerie Catholique, 1961.) While Ibn 'Asākir, in his *Tabyīn*, and Subkī, in his *Ṭabaqāt*, do not go this far, they do include in their lists Shāfi'ites, such as Abū Isḥāq ash-Shīrāzī (d. 476 H.), Abū 'Umar b. 'Abd al-Barr (d. 463 H.), and Abū Ṭāhir as-Silafī (d. 576 H.), and other traditionalists who do not rightly belong there. Subkī, in adding names to Ibn 'Asākir's list as Ash'arites who should not have been omitted, goes so far as to include the celebrated Ḥanbalite, Abū'l-Wafā' b. 'Aqīl (d. 513/1119; see George Makdisi, "Nouveaux détails sur l'affaire d'Ibn 'Aqīl", in *Mélanges Louis Massignon* [3 vols.; Damascus: Institut Français de Damas, 1956-57], III, 91-126) who was one of the foremost foes of Ash'arism in his day, as may be seen in the chronicles and biographical works dealing with the period, as well as in Ibn 'Aqīl's own works, extant in manuscript. (See *Ṭabaqāt*, II, 258, line 18).

(1) Cf. *Ṭabaqāt*, I, 197.

(2) *Op. cit.*, I, 252.

(3) Cf. *op. cit.*, II, 51-2.

(4) See *op. cit.*, III, 53, Ibn Fūrak's reason for studying *kalām*.

(5) Cf. *op. cit.*, I, 66 (lines 22 and 25) and 67 (lines 19-20: three "pillars" of Ash'arism: a traditionist, a *mutakallim* and a *ṣūfī*), II, 81 (line 5), II, 87 (line 18), II, 176 (line 10).

(6) *Op. cit.*, II, 245, where Ash'arī is described as: master of the system of the orthodox people, leader of the *kalām*-experts, protector of the Prophet's tradition, defender of the faith, striver for the preservation of the orthodox creeds of the Muslims.

orthodoxy, but attracts to it the great mu'tazilite minds who would otherwise be lost to it (1).

### *Appeal to Shāfi'ites on Behalf of Ash'arism*

Lest it be thought that Subkī has no respect for the other sciences, especially those held high in the estimation of the traditionalists, it cannot be over-emphasized that he insists on the importance of traditions and law. As mentioned previously, he states this quite plainly in the introduction to his book, describing it as being a work on "traditions, law, history and literature" (2), and later repeats this description in the same terms (3). Then he goes on to show the importance he places upon traditions by quoting two verses of Shāfi'ī on the importance of this science (4). Further on, he beseeches the carrier of these heavy volumes of his work not to deem them heavy by reason of the copiousness of the traditions they contain, for these traditions are the beauty and brightness of the book and the adornment of its author (5). Subkī then

(1) In doing so, these converts from Mu'tazilism were only following the supreme example of Ash'arī himself. Subkī delights in citing Shāfi'ite jurisconsults who were Mu'tazilites and converted to Ash'arism; cf. the case of al-Qaffāl ash-Shāshī (d. 365 H.), *Ṭabaqāt*, II, 177 (lines 3 ff.). As for other Shāfi'ites who were Mu'tazilites, or with strong Mu'tazilite tendencies, Subkī cites these without comment; cf. the case of Māwardī (d. 450 H.), *op. cit.*, III, 304 (lines 19 ff.).

(2) *Op. cit.*, I, 109 (line 14).

(3) *Op. cit.*, I, 176 (line 2).

(4) Subkī, preoccupied by the fact that these two verses sing highly in praise of traditions, may have overlooked the fact that they were in censure of *kalām*. It is, of course, possible that he may have wittingly cited them in hopes of changing their import by the very fact that he himself had endorsed them. But in either case, the danger of interpreting them in censure of *kalām* is apparent.—Here are the verses *(basīṭ)*:

*kullu 'l-'ulūmi siwā 'l-Qur'āni mashghalalun*
*illā 'l-ḥadiṯha wa-illā 'l-fiqha fī 'd-dīni*
*Al-'ilmu mā kāna fīhi "qāla: ḥaddaṯanā..."*
*wa-mā siwā dhāka waswāsu 'sh-shayāṭīni.*

(All sciences other than that of the Koran are a distraction / Except tradition and knowledge of the religious law / True religious science is that which contains: "he said: So and So has related to me..." [=the beginning of a tradition's chain of transmitters] / All else is but the wicked whispering of devils). See *Ṭabaqāt*, I, 157.

(5) *Op. cit.*, I, 167 (lines 9 ff.).

gives the chains of transmitters *(isnād)* of the traditions used in his book. These chains contain the names of the important traditionists, and include a certain number whom Subkī will later attack, in another context. These include, among others, the anti-*kalām*, anti-Ash'arite Ibn Ḥazm of the Ẓāhirite school of law, Dhahabī of the Shāfi'ite school, and Ibn Taimīya of the Ḥanbalite school; all three of whom are known by their writings to be anti-*kalām*, anti-Ash'arite (1).

Subkī seizes every opportunity to point out in his biographical notices that some Shāfi'ite was a great traditionist as well as a great jurisconsult. But it soon becomes apparent that these men who combined both of these sciences were also *mutakallimūn*. He introduces Abū Bakr b. Isḥāq aḍ-Ḍab'ī as "one of the Imāms who have united the knowledge of law with that of traditions" (2). The verb *united* has also the explicit meaning of *reconciled, conciliated.* But this is not all that this great Shāfi'ite scholar has done. On the following page of the biographical notice, we find that his works on law are one of the most decisive proofs of his religious knowledge, "and his works on *kalām* none of the doctors of the People of Tradition (*Ahl al-Ḥadīth:* the Traditionalists) has preceded him to the like of them" (3). Thus great Shāfi'ites were, to begin with, traditionists and speculative theologians as well as jurisconsults. *Then*, the fact of their knowledge of speculative theology was a matter to boast of as much as the fact of their knowledge of law. And finally, the great doctors among the traditionalists not only took up *kalām* (unthinkable, for a traditionalist), but vied with one another in the pursuit of it.

A familiar saying of the traditionalist jurisconsults, who wished to keep the fledgling students of law away from the study of *kalām*, was to warn them that preoccupation with this science, which was censured by the Ancestors and which was involved and complex to boot, would keep them from succeeding in their legal studies. To counter this saying, Subkī quotes on

(1) For the chains of transmitters, see *op. cit.*, I, 167-169.

(2) *Op. cit.*, II, 81 (line 5).

(3) *Op. cit.*, II, 82 (lines 10-11) : *"wa-muṣannafāluhu fī 'l-kalāmi lam yasbuqhu ilā mithlihā aḥadun min mashāyikhi Ahl al-Ḥadīth."*

the authority of a distinguished Shāfi'ite jurisconsult, Ibn Suraij, the following rejoinder: "I have not seen a student of law go into the study of *kalām*, and succeed, whom law passed beyond and who did not attain the knowledge of *kalām*." (1). Now this statement may be cited in more ways than one so as to convey an anti-*kalām* message. For instance, "I have not seen a single student of law go into the study of *kalām* and succeed"; or "I have seen those who have gone into the study of *kalām* whom law passed beyond and who did not attain the knowledge of *kalām*". Both of these sayings may be arrived at without the use of any additional words; the first, simply by quoting the first part of the saying, the second by suppressing certain words. It may be thought that some one had altered these anti-*kalām* sayings so as to render them favourable to *kalām*. But it is just as likely to think that the saying is authentic and had been tampered with to render it harmful to *kalām*. Subkī was very likely quite aware of both possibilities, just as he wanted his reader to be aware that there were traditions attributed to Shāfi'ī which were anti-*kalām*, and that there were others which were pro-*kalām* and contradicted these. The present case is an example of one of the latter, and subtely indicates that Subkī believed that these authentic sayings in favor of *kalām* supplied unscrupulous traditionists with the raw materials of their fabricated traditions. For Subkī has pointed out that the "anthropomorphists", an appellation he applies to the traditionalist Ḥanbalites, do not hesitate to lie in order to defend their system of thought, nor do they hesitate to tell lies against those who do not follow their system (2).

But back to Subkī's quotation which had a special message for jurisconsults. The message is that law simply cannot go beyond *kalām* (and therefore be superior to it); for it is *kalām* which goes beyond law. In the hierarchy of the religious sciences, *kalām* occupies a higher level than law. So that it

(1) *Op. cit.*, II, 89 (lines 3-4): *"mā ra'ailu mina 'l-mulafaqqihali mani 'shlaghala bi 'l-kalāmi fa-aflaḥa yafūluhu 'l-fiqhu wa-lā yaṣilu ilā ma'rifali 'l-kalām."*

(2) *Op. cit.*, I, 192-193 (last line of 192 and first two lines of 193).

is nonsense to say that, in studying *kalām*, one is in danger of having law pass beyond him, as though law could go beyond *kalām!* In fact, if the saying be fully understood, to have studied *kalām*, and succeeded, assumes a prior success in the study of law; so that an unsuccessful student of law could not possibly hope to succeed in *kalām*,—he does not have the necessary amount of intelligence. It is therefore quite plain that a *mutakallim*-jurisconsult is quite an able jurisconsult indeed; not one who just barely made the grade.

That Subkī presents things in such a light is illustrated in an anecdote which he cites in the biographical notice devoted to the Shāfi'ite *mutakallim* Abū Bakr b. Fūrak (d. 406 H.). According to this anecdote, Ibn Fūrak decided to study *kalām* when he was a student of law in Iṣbahān. He had heard a tradition the meaning of which he did not know. The tradition was: The stone [=the black stone, or *ka'ba*, in Mecca] is the right hand of God (1). He went to his teacher of law and asked him the meaning of the tradition but did not receive a satisfactory answer. Someone then sent him to a *mutakallim* who gave him such an answer. He decided then and there that he had to learn the science of *kalām*.—Not only does this anecdote serve to illustrate the superiority of *kalām* over *fiqh;* it also serves to show that *kalām*, far from being inimical to tradition, is in fact so intimately familiar with it that it is highly capable of elucidating its mysteries (2).

It would therefore behoove every Shāfi'ite jurisconsult, who is intellectually qualified, to take up this worthy religious science. Shāfi'ī himself was highly gifted in the science of *kalām;* though, of course, he knew of its dangers. Subkī illustrates this in an anecdote where Shāfi'ī is supposed to be warning Muzanī against its dangers. At first blush, the anecdote sounds as though it were supporting a traditionalist anti-*kalām* view. But this is not so, since Shāfi'ī, after issuing his warning, proceeds later to make use of *kalām* in order to explain some

(1) Cf. Jalāl ad-Dīn as-Suyūṭī, *al-Jāmi' aṣ-ṣaghīr*, ed. M. Muḥyī'd-dīn 'Abd al-Ḥamīd, 2 vols. (Cairo: Ḥijāzī Press, 1352/1933), I, 516 (nos. 3804-05).

(2) *Ṭabaqāt*, III, 53 (lines 6 ff.).

difficult matters. The message Subkī succeeds in giving is that Shāfi'ī is against the use of *kalām*, except in dire need, and then, only by those who can handle it like himself. This naturally means that the number of *mutakallimūn* will always be relatively small, and that the great majority of Shāfi'ites will be jurisconsults who, if they cannot aspire to that science and master it, should not stand in the way of those who can (1).

Just as Shāfi'ī was a highly qualified expert on *kalām*, Ash'arī, the *Imām* of orthodox *kalām*, was himself a Shāfi'ite. This is a point on which Subkī strongly insists. He does so on the authority of two other Shāfi'ites, who also happen to be Ash'arite doctors of *kalām:* Abū Bakr b. Fūrak (d. 406 H.), in his *Ṭabaqāt al-mutakallimīn* (2), and Abū Isḥāq al-Isfarā'inī (d. 418 H.), as cited by Abū Muḥammad al-Juwainī (d. 438 H. ; Imām al-Ḥaramain's father) in his *Sharḥ ar-risāla* (3). These two Ash'arite *mutakallimūn* affirm that Ash'arī was a Shāfi'ite and studied law under the direction of the Shāfi'ite Abū Isḥāq al-Marwazī. Some people had said that Ash'arī was a Mālikite (4). This is erroneous. The Mālikite, explains Subkī, was Abū Bakr b. al-Bāqillānī, an Ash'arite whom Subkī holds in very high regard (5). The Shāfi'ite school of law can therefore claim priority in the field of "orthodox" *kalām* by reason of the Shāfi'ism of Ash'arī himself. Thus, as Subkī sees it, Shāfi'ism and Ash'arism have been inseparable from the start.

It was therefore in the Shāfi'ite school of law, according to

(1) *Op. cit.*, I, 241 (lines 2 ff.).

(2) For this work, which is still lost to us, see *Kashf*, II, 1106.

(3) Meaning, perhaps, the *Risāla* of Shāfi'ī which has had many commentaries, see *Kashf*, I, 873, where, however, Juwainī is not cited, perhaps because of the lacuna in the text. This work of Juwainī is cited by Subkī again in the notice he devotes to Juwainī (see *Ṭabaqāt*, III, 209, line 10), not to be confused with his *Tafsīr* (*ibid.*, lines 19-20), which latter is the work usually cited by the biographers.

(4) On this, see *Tabyīn*, 117. Incidentally, Ibn 'Asākir points out that Ash'arī was claimed by some as a Mālikite and by others as a Shāfi'ite. His own feeling is that he was neither, and that he owed allegiance to no particular school, speaking, as he did, for orthodoxy in general. The modern editor of the *Tabyīn*, the late Shaikh al-Kautharī, whose sympathies were clearly Ash'arite and anti-Ḥanbalite, believes that Ash'arī was a Ḥanafite, basing this on Mas'ud b. Sharba's *Kitāb al-ta'līm* (see 'Abd al-Qādir b. Abī 'l-Wafā', *al-Jawāhir al-muḍīya*, II, 169, and *Kashf*, 1405; this work is not extant) as copied by later authors.

(5) See *Ṭabaqāt*, II, 248 (line 17); see also, *op. cit.*, II, 255 (lines 19 ff.).

Subkī, that Ash'arism was born. Since then Ash'arism and Shāfi'ism have walked hand in hand, their destinies commingled. History gives proof of this. Witness the times of trouble, especially in 445. Then it was that the Great Saljūqid Ṭugril Beg, advised by his Mu'tazilite Minister Kunduri and the Mu'tazilites, ordered the public cursing of Ash'arī from the pulpits; thus were treated contemptuously "the *Shāfi'ite* school in general and the *Ash'arites* in particular" (1).

There can hardly be any doubt that Subkī was engaged in Ash'arite propaganda aimed straight at the Shāfi'ite school of law. Much more could be given in support of this view from Subkī's own work. However, we will confine ourselves to this last and very important reference.

Subkī, in recommending Ibn 'Asākir's *Tabyīn* to his readers, does so by coining two statements which could be said of this work, a work which he considered to be highly praiseworthy. First, he states that "Every *Sunnite* who does not have *Kitāb al-Tabyīn* of Ibn 'Asākir lacks knowledge and assurance as to his own good"; and secondly, that "A jurisconsult is not truly a *Shāfi'ite* until he has digested *Kitāb al-Tabyīn* of Ibn 'Asākir". Subkī then continues by saying that his professors used to order their students to study the book (2). Such was their advice to their students. In his turn, Subkī meant to leave the same kind of advice, including these two statements, to be handed down to orthodox posterity, in general, and to the Shāfi'ite one, in particular (3).

These statements may be considered as Subkī's supreme effort on behalf of Ash'arism. If they have in them a touch

(1) *Op. cit.*, III, 86, II, 270 (lines 16-17) and III, 86 (lines 9-10). It is true that those who were mistreated were Shāfi'ites, but they were the recipients of such treatment because of their Ash'arism.

(2) *Op. cit.*, II, 248 (lines 11 ff.). Cf. *Kashf*, 342; W. Spitta, *Zur Geschichte Abu'l-Ḥasan al-Aš'arī's*, II (citing *Kashf*).

(3) The Damascus edition of Ibn 'Asākir's *Tabyīn* carries only the first statement on the title page, cited by Father R. J. McCarthy, *Theology*, 146 (English Text); just as the Ash'arite Muḥammad Zāhid al-Kautharī had quoted only the first statement to the editor of the *Tabyīn*, see *Tabyīn*, title page and the first page of "*muqaddimat an-nāshir*".

of emotion and exaggeration, the reason for this may be seen in what Subkī has to say about his Shāfi'ite teacher Dhahabī. For Dhahabī too had endorsed Ibn 'Asākir's *Tabyīn*, but not quite in the same manner, nor with the same intentions, nor for the same group of people. Dhahabī endorsed the Ash'arite *Tabyīn* as good for Ash'arites alone, and this he did in quite a subtle way.

In his own biographical notice on Ash'arī, Dhahabī had referred the reader to the *Tabyīn* in the following manner: "He who wishes to go deep into the knowledge of Ash'arī should then stick to *Kitāb tabyīn kadhib al-muftarī* of Abū'l-Qāsim b. 'Asākir". Dhahabī had no such wish, nor did he advocate Ash'arism for any other Shāfi'ite. For Dhahabī, master of allusive comment, adds the following prayer of deliverance from such temptation immediately after that specious recommendation: "O God ! Take Thou our soul and cause us to die while in the state of orthodoxy; and cause us to enter into Paradise; and cause our souls to be in a state of rest. We love Thy saints because of Thee; and we hate Thine enemies because of Thee; and we beseech forgiveness on behalf of the rebellious among Thy servants. We act according to the unambiguous verses of Thy Book; and we believe in Its ambiguous verses; and we describe Thee according to Thine own description of Thyself." (1).

In this brief prayer, laden with allusions born of centuries of religious polemic, may be found the essence of the traditionalist creed in its unrelenting fight against rationalism; in this case, Ash'arite rationalism. This prayer, as one can well imagine, fairly drives Subkī to the point of desperation (2).

### *Obstacle in the Path of Ash'arism*

For Subkī, Dhahabī was traditionalism incarnate. In him, Subkī saw traditionalism's stubborn resistance against, and crushing impact upon, the progress of Ash'arism. Small

(1) *Ṭabaqāt*, II, 248 (last four lines).
(2) See *op. cit.*, II, 248-249.

wonder, then, that Dhahabī should be Subkī's enemy. Nevertheless, there is good cause for wonderment at the special treatment which Dhahabī receives at the hands of Subkī as compared with that accorded all other traditionalists. The redoutable Ẓāhirite Ibn Ḥazm (d. 456 H.), who vehemently censures Ash'arī and Ash'arism, is barely recognized by Subkī (1). The *kalām*-censuring Ḥanbalite mystic Ansārī Ḥarawī (d. 481 H.) is only briefly censured (2). Even Ibn Taimīya (d. 728 H.), whose anti-rationalist polemics shook the very foundations of Ash'arism in Damascus, in the generation just previous to Subkī's, receives the same cursory treatment (3).

But Dhahabī was a case all by himself. Not because he was more traditionalist than the others. Not because he was a more formidable polemist. But rather because he was a highly respected Shāfi'ite, and therefore a most redoutable obstacle to the progress of Ash'arism within the Shāfi'ite school.

In his struggle against Dhahabī, Subkī had to operate under appalling restrictions. For this was not a case of arousing the *'aṣabīya*, or *esprit de corps*, of one school against another: both he and his enemy were members of the same Shāfi'ite school. This situation imposed terrible restrictions on Subkī, restrictions which Dhahabī did not have when attacking Ash'arism. Subkī was aware of these restrictions and invoked them to keep Shāfi'ites, i.e. traditionalist ones, from attacking other Shāfi'ites, i.e. Ash'arite-Shāfi'ites. In support of this he cites the traditionalist Ibn 'Abd al-Barr (d. 463 H.) who, in his *Kitāb al-'ilm*, opposes quarrels between men of religious science, the *'ulamā'* (4). This could be a reason for the highly developped art of allusion among them (such as is used by Dhahabī) when in disagreement on matters of theology. But the traditionalists had arrived at a good excuse for attacking the Ash'arites and other rationalists. They agreed that the *'ulamā'* should be

(1) *Ṭabaqāt*, I, 43 (line 5); III, 54 (line 15) and 55 (line 6); IV, 10 (line 22).

(2) *Op. cit.*, II, 141 (line 22); III, 117 (line 5); IV, 19 (line 20).

(3) *Op. cit.*, I, 222 (line 25); V, 181 (line 18) and 251 (line 25); VI, 168 (line 6), 254 (line 14).

(4) *Op. cit.*, I, 188, where Subkī cites the chapter in *Kitāb al-'ilm* entitled: *fī ḥukmi qauli 'l-'ulamā'i ba'ḍihim fī ba'ḍ.*

immune from attack; but they did not consider the *mutakallimūn* as *'ulamā'*. The Ash'arites, who were *mutakallimūn*, were thus stripped of their immunity and made easy prey for traditionalists. Subkī tried to put the *mutakallimūn* back in the ranks of the *'ulamā'*; but all he could do to support his case, was to cite his own father (1) whose testimony could hardly influence the traditionalists, being himself a *mutakallim*.

Dhahabī was an obstacle which could not be by-passed. His testimony had to be discredited. This, Subkī attempted to do from one end of his work to the other, at every opportune moment. He defended the Ash'arites on grounds of defending the truth, implying that Dhahabī had attacked the truth. But this could have little effect on a Dhahabī who was universally considered, in and out of his school, as highly trustworthy.

Shāfi'ite posterity did not look kindly upon Subkī's attack. It showed its disapproval by mentioning, in the biographical notices it devoted to Subkī, that Dhahabī was his teacher and that "Dhahabī had mentioned him in *al-Mu'jam al-muḫtaṣṣ* and had spoken well of him." This was an unusual thing for a master to do with regard to his pupil and indicative of high regard (2). Posterity was to contrast the magnanimity of the master with the later ingratitude of the pupil.

Dhahabī was not the only Shāfi'ite who stood in the way of Ash'arism. He was only one Shāfi'ite among many others in the powerful traditionalist movement within the Shāfi'ite school of law. Other anti-Ash'arites had preceeded Dhahabī upon the scene and, before leaving it, they had carefully

(1) *Ṭabaqāt*, I, 58 (line 20). Subkī refers to his father here as ash-Shaikh al-Imām, author of *Sharḥ al-Minhāj*. For the author, see *GAL*, Suppl. II, 102-104, and for his work, see *op. cit.*, Suppl. II, 103, no. 20. This *Sharḥ*, or commentary, is on the famous work of Nawawī, entitled *Minhāj aṭ-ṭālibīn* (*op. cit.*, Suppl. I, 680, no. 1). Subkī's father died (756/1355) before completing the commentary; he had reached as far as the chapter on divorce *(ṭalāq)* and had entitled the work *al-Ibtihāj* (rhyming with the original work, *al-Minhāj*). Subkī's brother, Bahā' ad-Dīn Aḥmad (died 773/1371) completed the work. See *Kashf*, 1873, cf. *GAL*, Suppl. I, 680.

(2) *Shadharāt*, VI, 221 (lines 3-4 from bottom). The *Mu'jam al-mukhtaṣṣ* is one of the sources of Nu'aimī in *ad-Dāris fī tārīkh al-madāris* (see index in vol. II, *sub verbo* Muḥammad b. Aḥmad b. Qāimāz at-Turkumānī adh-Dhahabī (d. 748 H.), pp. 743-745, *passim*).

registered their thoughts in a number of treatises, theological and historical, urging the Shāfi'ite posterity to beware of the Ash'arite menace. It was this posterity that Subkī had to discredit, along with his teacher Dhahabī.

In the introduction to his work, Subkī gives a list of former Shāfi'ite biographers (1). This list has been taken as a citation by Subkī of his sources (2). But to regard this list as a mere listing of sources is to miss the point completely.

It will be remembered that Subkī had described his book as one on tradition, law, history and *adab*-literature (3). In this description, he affirms having given complete justice to each individual biographical notice, according to the method of traditionists and *adab* writers (4). After praising his work highly (5), he humbly confesses its shortcomings (6), and particularly asks God's forgiveness, as well as that of his readers, for what his pen had perpetrated, meaning by way of matters controversial (7).

The stage thus being set, Subkī proceeds to enumerate previous *ṭabaqāt* writers of the Shāfi'ite school. One has only to read this section to understand that the author is dissatisfied with the work that had been done. And the need for a new biographical work on the Shāfi'ites becomes obvious. This need must be fulfilled for one or more of the following reasons. Previous biographical works are not extant; or extant only in abbreviated forms of the originals; or they deal with Shāfi'ī and a few other Shāfi'ites only; or the biographical notices are brief; or they deal with obscure individuals; or they do not limit themselves to Shāfi'ites, but treat also of jurisconsults of other schools of law; or, finally, highly important Shāfi'ites are passed over in silence (8).

(1) *Ṭabaqāt*, I, 114.
(2) Cf. *GAL*, Suppl. I, 303: "seine Quellen nennt er I, 114".
(3) *Ṭabaqāt*, I, 109; and once again, *op. cit.*, I, 176.
(4) *Op. cit.*, I, 109.
(5) *Op. cit.*, I, 110.
(6) *Op. cit.*, I, 113.
(7) *Ibid.*
(8) It is obvious that such a list of works could not have been the sources of Subkī. It is, of course, certain that he made use of them; but, by reason of their

Subkī's enumeration and analysis of previous works shows a thoroughness worthy of high admiration. But in this enumeration and analysis there is more than meets the eye at first glance. Subkī meant to discredit specific works for a specific reason; but nowhere does he say so specifically. His reason, I believe, was that these works, and their likes, did not present the case of Shāfi'ite Ash'arism. They did not, because they were written by traditionalists. All traditionalists oppose rationalism. Some do so by passive resistance. A traditionalist biographer of this type would pass over in silence a controversial subject for reasons of prudence. Though he opposes a colleague's ash'arism, he still identifies himself with him as a Shāfi'ite. Other traditionalist biographers, because of their militant traditionalism, are actively hostile and provocative.

From his list of former biographers, Subkī singled out two specific works for special comment. These works were written by Shāfi'ites of the highest eminence. For this reason, they could do great harm to the Ash'arite cause in the Shāfi'ite school of law.

The first of these two works is that of Abū Isḥāq al-Shīrāzī, *Ṭabaqāt al-fuqahā* (1). It contains biographies of jurisconsults

deficiencies from his own point of view, he supplemented them with other works not mentioned at all in this list, works which supplied him with information on Ash'arite Shāfi'ites and the Ash'arite movement. Of these, we will make particular mention of *Tārīkh Nīsābūr* by al-Ḥākim an-Nīsābūrī (d. 404/914; cf. *GAL*, Suppl. I, 277, lines 6-7, where Brockelmann mentions that Subkī made use of it;—see Subkī, *Ṭabaqāt*, III, 137, line 22, as a source on the Ash'arite Abū Isḥāq al-Isfarā'inī [d. 418 H.]) and its continuation by Abū 'l-Ḥasan 'Abd al-Ghāfir al-Fārisī (d. 529/1134), entitled *as-Siyāq li-tārīkh Nīsābūr* (*GAL*, Suppl., I, 623). On Subkī's use of the latter work, see for example, *Ṭabaqāt*, III, 131 (where the *Siyāq* is used as a source on Abū 'Alī al-Manī'ī, see *Muslim Institutions*, 30, n. 1), III, 245 (on the celebrated mystic Abū 'l-Qāsim al-Qushairī, d. 465 H., who wrote in defense of Ash'arī following the Saljūqid order to curse the latter in the year 445 H.), IV, 250 (line 15, where the title of the work is given, *as-Siyāq;* here it is used as a source on the Ash'arite propagandist Abū Naṣr al-Qushairī (d. 514 H.) son of Abū 'l-Qāsim, just mentioned) and IV, 251 (line 13, same biographical notice), IV, 255 (antepenult; biographical notice on the author 'Abd al-Ghāfir, and full title of his work; *as-Siyāq li-Tārīkh Nīsābūr*).—Subkī made use of numerous other sources which I have come across in my readings of his six volume work, and none of which are mentioned on page 114 of vol. I.

(1) For Shīrāzī and his works, see *GAL*, I, 387, Suppl. I, 669-670; for his role

of all the schools of law up to Shīrāzī's day. It was not this general coverage that Subkī objected to particularly, but rather that Shīrāzī should have found it necessary to write about all of these people of the different schools, "in spite of the great number of our [Shāfi'ite] companions who came after Shaikh Abū Isḥāq". By "Shaikh Abū Ishāq", Subkī was, of course, not referring to the author himself, Shīrāzī, whose *kunya* was also Abū Ishāq, but rather to Abū Isḥāq al-Isfarā'inī (d. 418 H.). This Isfarā'inī is mentioned in Shīrāzī's work, but Shīrāzī had disposed of him in less than two lines, after first bringing out that Isfarā'inī was a *mutakallim* (1). Shīrāzī thought much more of another Isfarā'inī, the jurisconsult whose *kunya* was Abū Ḥāmid (d. 406 H.), who was at the head of a long line of Shāfi'ite jurisconsults in the eleventh century, and who was far from being a *mutakallim* (2).

The other work which Subkī singled out for special comment is one which was written by three great Shāfi'ite jurisconsults before it was completed. Ibn aṣ-Ṣalāḥ (3) had begun to write it and died before finishing it. Nawawī (4) revised it and added

in the early history of the Niẓāmīya College of Baghdad, see *Muslim Institutions*, 32 ff.; for his anti-ash'arism, see his work, *Kitāb al-luma' fī uṣūl al-fiqh* (Cairo: Ṣubaiḥ and Sons Press, 1347/1928-29), 7 (line 13), 8 (line 17), 15 (lines 24 and 26), 18 (line 1), 46 (line 4); see also Ibn Rajab, *Ṭabaqāt al-ḥanābila* (ed. H. Laoust-S. Dahan, Beyrouth: Imprimerie Catholique, 1951, vol. I, p. 26=ed. M. Ḥāmid al-Fiqī, Cairo: as-Sunna al-Muḥammadīya Press, 1372/1952, vol. I, p. 20), where Shirāzī confirms the fact of his anti-ash'arite doctrines in *uṣūl al-fiqh* (legal theory): *"wa-hādhihi kutubī fī uṣūli 'l-fiqhi aqūlu fīhā khilāfan li 'l-Ash'arīya"*. Shīrāzī, as a Shāfi'ite traditionalist, avoided *kalām*.

(1) Shīrāzī, *Ṭabaqāt*, 106.

(2) *Op. cit.*, 103; see also *Muslim Institutions*, 23.

(3) Taqī ad-Dīn Abū 'Amr 'Uthmān b. Abd ar-Raḥmān b. aṣ-Salāḥ ash-Shahrazūrī (577-643/1181-1243); see *GAL*, I, 358-359, Suppl. I, 610-612.—Ibn aṣ-Ṣalāh was a traditionalist Shāfi'ite jurisconsult and traditionist, famous and influential in Damascus. He held the professorship of Dār al-Ḥadīth al-Ashrafīya (College of Tradition) and held professorships in other institutions: the Madrasa Shāmīya Barrānīya, where he was the first incumbent of the professorial chair, and the Madrasa Shāmīya Jauwānīya. (See Nu'aimī, *Dāris*, I, 277, 303, II, 284). The Colleges of law which had been under Rafī' ad-Dīn al-Jīlī (d. 642/1244) were, after the death of Rafī', turned over to Ibn aṣ-Ṣalāḥ who appointed professors to their chairs (*op. cit.*, I, 189). In illustration of Ibn aṣ-Ṣalāḥ's traditionalism, it is said of him that he would not allow the study of logic and philosophy (*op. cit.*, I, 121).

(4) Muḥyī 'd-Dīn Abū Zakarīyā' Yaḥyā b. Sharaf an-Nawawī (631-676/1233-

a few names, and died leaving it in draft form. Mizzī (1) then took it up and brought it out in a new edition. Subkī comments: "It is strange that the three of them should have neglected to mention even al-Muzanī (2), Ibn Suraij (3), al-Iṣṭakhrī (4), Shaikh Abū 'Alī as-Sinjī (5), al-Qāḍī'l-Ḥusain (6), Imām al-Ḥaramain (7), Ibn al-Ṣabbāgh (8) and a group of well-known

1278); see *GAL*, I, 394-397, Suppl. I, 680-686. A traditionalist Shāfi'ite jurisconsult and traditionist, Nawawī held the professorship of the Aṣhrafīya College of Tradition (Dār al-Ḥadīth al-Aṣhrafīya) after Shihāb ad-Dīn Abū Shāma. In illustration of his ascetic nature, it is said of him that he refused to accept the salary due him as incumbent of the professorship and would content himself with what food he received from his father. (Nu'aimī, *Dāris*, I, 25). Among his own professors, we find the first *qāḍī* of the Ḥanbalites in Damascus, Shams ad-Dīn b. Abī 'Umar (d. 682/1283) for whom he had very great respect (*op. cit.*, II, 33), and among those to whom he gave an *ijāza*, the historian of the Ḥanbalites, Zain ad-Dīn b. Rajab (d. 795/1393; *op. cit.*, II, 76).

(1) Jamāl ad-Dīn Abū 'l-Ḥajjāj Yūsuf b. az-Zakī al-Mizzī (654-742/1256-1341); see *GAL*, II, 64, Suppl. II, 66. This traditionalist Shāfi'ite jurisconsult and traditionist held the professorship of the Ashrafīya College of Tradition for a period of 23 years (*Dāris*, I, 35). He was succeeded by Subkī's father, Tāqī 'd-Dīn (d. 756/1355; *GAL*, II, 86-88, Suppl. II, 102-104) who is pointed out by Nu'aimī (*Dāris*, I, 35) as an expert on *kalām*. Among Mizzī's students we find Subkī himself and the traditionalist Shāfi'ite historian, Ibn Kathīr. (On the latter see H. Laoust, "Ibn Katīr historien", in *Arabica*, II (1955), 42-88.) Ibn Kathīr was also the son-in-law of Mizzī (see Ibn Kathīr, *Bidāya*, 14, 192; *Dāris*, I, 36). Both Mizzi and Ibn Kathīr, traditionalist Shāfi'ites, were companions of the celebrated Ḥanbalite Ibn Taimīya (d. 728/1328); for the riot which took place in 705/1306, the imprisonment of Mizzī by Ibn Ṣaṣrā (of the Banū Ṣaṣrā, see W. M. Brinner, in *Arabica*, VII (1960), 167-194) and Ibn Taimīya's defense of his companion Mizzī, a Shāfi'ite against the Shāfi'ite *qāḍī* Ibn Ṣaṣrā, see Ibn Kathīr, *Bidāya*, XIV, 36-37, *Dāris*, I, 97-98.

(2) Abū Ibrāhīm Ismā'īl b. Yaḥyā al-Muzanī (175-264/794-878); eminent disciple of Shāfi'ī and pioneer of his legal system in Egypt, see *GAL*, I, 180, Suppl. I, 305.

(3) Abū 'l-'Abbās Aḥmad b. 'Umar b. Suraij al-Baghdādī (d. 306/918); see biographical notices in Ibn Khallikān, *Wafayāt*, I, 49-51 (no. 20); *Ṭabaqāt*, II, 87-96.

(4) Abū Sa'īd al-Ḥasan b. Aḥmad al-Iṣṭakhrī (244-328/858-940); see biographical notices in Ibn Khallikān, *Wafayāt*, I, 357-358 (no. 150); *Ṭabaqāt*, II, 193-205.

(5) Abū 'Alī al-Ḥusain b. Shu'aib b. Muḥammad as-Sinjī (d. 403/1013); see biographical notices in Ibn Khallikān, *Wafayāt*, I, 401 (no. 176); *Ṭabaqāt*, III, 150.

(6) Abū 'Abd Allāh al-Ḥusain b. al-Ḥasan b. Muḥammad b. Ḥalīm al-Ḥalīmī (338-403/949-1012); see *GAL*, I, 197, Suppl. I, 349; *Ṭabaqāt*, III, 147-150 (not cited in *GAL*).

(7) Abū 'l-Ma'ālī 'Abd al-Malik b. 'Abd Allāh b. Yūsuf al-Juwainī, known as Imām al-Ḥaramain (419-478/1028-1085); see *GAL*, I, 388-389, Suppl. I, 671-673.

(8) Abū Naṣr 'Abd as-Saiyid b. Muḥammad b. aṣ-Ṣabbāgh (400-477/1009-1083); see *GAL*, I, 388, Suppl. I, 671; not to be confused with other Shāfi'ite

jurisconsults whose mention strikes the ears of the two Shaikhs Abū Zakarīyā' (= an-Nawawī) and Abū 'Amr (= Ibn aṣ-Ṣalāḥ) night and day, till late in the evening and from early morning!" (1).

Subkī's objection to these three Shāfi'ites is not so much their omission of some important figures of the Shāfi'ite school of law. Such omissions occurred frequently in the biographical works of the day. To point out these omissions is to give a good reason for a more comprehensive biographical work such as his own. Subkī's objection is more that of an Ash'arite-Shāfi'ite historian against traditionalist historians. Shāfi'ite biographical works with an evident traditionalist slant were all too plentiful. Subkī intended to remedy this situation by slanting his history writing in the direction of Ash'arism.

Throughout his work, Subkī pursues his discrediting of traditionalist biographical works, the *ṭabaqāt* as well as other types. Among those he criticizes we find not only his teacher Dhahabī, but also al-Khaṭīb al-Baghdādī (d. 463 H.) (2), 'Abbādī (d. 458 H.) and Ibn al-Najjār (d. 643 H.) (3). And he often makes use of one traditionalist historian in order to discredit another such historian (4).

jurisconsults of the 5th/11th century, likewise known by the name of Ibn aṣ-Ṣabbāgh, and all from the same family: his father, Abū Ṭāhir b. aṣ-Ṣabbāgh (d. 448/1057, see *Ṭabaqāt*, III, 79); his first cousin, paternal side, Abū Ghālib b. aṣ-Ṣabbāgh (d. 492/1099, see *op. cit.*, III, 80); and his nephew, fraternal side, as well as son-in-law, Abū Manṣūr b. aṣ-Ṣabbāgh (d. 494/1100, see *op. cit.*, III, 34-35). —Abū Naṣr b. aṣ-Ṣabbāgh was the first incumbent of the professorial chair at the Niẓāmīya College in Baghdād; on his rivalry with Abū Isḥāq ash-Shīrāzī for this post, see *Muslim Institutions*, 32 ff.

(1) *Ṭabaqāt*, I, 114 (lines 23-26): *"wa-mina 'l-'ajībi anna 'th-thalāthala aghfalū ḥattā dhikra 'l-Muzanī wa-'bn Suraij wa 'l-Iṣṭakhrī wa 'sh-Shaikh Abū 'Alī as-Sinjī wa 'l-Qāḍī 'l-Ḥusain wa-Imām al-Ḥaramain wa-'bn aṣ-Ṣabbāgh wa-jamā'atin mina 'l-mashhūrīna 'l-ladhīna yaṭruqu sam'a 'sh-shaikhaini Abī Zakarīyā' wa-Abī 'Amr dhikruhum lailan wa-nahāran 'ashīyatan wa-ibkāran."*

(2) *Op. cit.*, I, 172, where Khaṭīb is shown to have made omissions, like the writers of the *ṭabaqāt*. In contrast, 'Abd al-Ghāfir al-Ḥākim, who is a good Ash'arite, is praised for his work, which praise amounts to a subtle condemnation of Khaṭīb.

(3) *Op. cit.*, II, 51-2 (lines 9 where he charges 'Abbādī for not bringing out the fact of Ibn Kullāb being a Shāfi'ite *mutakallim;* and line 10, where he charges Ibn Najjār for citing this *mutakallim* as though he did not know of him.).

(4) *Op. cit.*, II, 4 ('Abbādī); II, 37 (Ibn aṣ-Ṣalāḥ); II, 51-2 ('Abbādī and Ibn al-Najjār); see also where Dhahabī is refuted on minor points: *op. cit.*, II, 27-28, 44, 49, 147, 213, 226 (where Dhahabī is ridiculed), III, 5, III, 13, IV, 104, IV, 243.

In this manner, Subkī tried to remove the obstacles set up by the traditionalist Shāfi'ites in the way of Ash'arism's progress. But the forces of Ash'arism had been on the decline for too long. Subkī looked with nostalgia upon Ibn 'Asākir's time which, in comparison with his own, appeared to him as the golden age of Ash'arism (1). What had happened since that time was not calculated to settle the nerves of an Ash'arite advocate. For two centuries now, the experts on tradition, who were overwhelmingly traditionalist in creed, were in a very strong position. For whereas the science of traditions was heretofore a subsidiary science as taught in the exclusive legal institutions of the schools of law, now it had its own endowed institutions.

The very first of these was called *Dār al-Ḥadīth an-Nūrīya*, after its founder Nūr ad-Dīn Zankī (d. 569 H.). After Zankī, other men of power and influence followed suit. They had come to appreciate the stature and influence of the traditionists in the Muslim community, as they had already done so in the case of jurisconsults. The first professor of traditions to occupy the chair of the Nūrīya was Ibn 'Asākir (d. 571 H.) who was followed by his son (d. 600 H.), both of whom were advocates of Ash'arism. But there were not many traditionists who, like them, were Ash'arites. And the Nūrīya's last two known professors were among the greatest Shāfi'ites of their day: Birzālī (d. 739 H.) and Mizzī (d. 742 H.) (2), both of whom were fervent advocates of traditionalism.

The advent of the exclusive schools of tradition *(dār al-ḥadīth)* eventually brought about a further strengthening of traditionalism. Heretofore, each school of law had its own exclusive institutions wherein its own system of law was taught *(masjid, madrasa)*. It attracted students because it afforded them financial security through scholarship funds derived from the income of its endowment. Law was first and foremost in the curriculum of the law college, and the jurisconsult occupied its one and only chair. The other religious or auxiliary sciences

(1) *Op. cit.*, IV, 239 (lines 3-4).
(2) *Dāris*, I, 112-113.

were of secondary importance. With the advent of the *dār al-ḥadīth*, the expert on traditions comes into a position of importance as did the jurisconsult before him, in the *masjid* and *madrasa*. And students could now attend endowed colleges of tradition, where they received scholarship funds. Unlike the colleges of law, the colleges of tradition were unrestricted; for there were no recognized schools (systems) of tradition, as there were of law (Shāfi'ite, Ḥanbalite, etc.). This unrestricted character of the colleges of tradition institutionalized a financially supported teacher-student relationship hitherto known only to the colleges of law. Henceforth, not only could a student study traditions under a professor of a different legal system (this he could already do in the mosques, *jāmi'* as well as *masjid*), but he could also become the disciple and follower of such a professor in the new institution, financially supported as a student, and with an opportunity to become, in turn, a professor of traditions who now had the prestige of a professor of law. But the professor of traditions had an advantage over the professor of law. Whereas the latter belonged to one school of law and taught law to a student body which necessarily belonged to the same school as he did, the professor of traditions could teach a "mixed" student body, i.e. students from the various schools of law. For instance, a professor of traditions who belonged to the Ḥanbalite school of law, could have Shāfi'ite disciples.

In this way, Ḥanbalite traditionalism was able to bolster and strengthen Shāfi'ite traditionalism against the common enemy: rationalism. An instance which was most unsettling to Shāfi'ite-Ash'arites is the case of Ibn Taimīya (d. 728 H.). This renowned Ḥanbalite traditionalist was able to influence a long line of Shāfi'ites among whom were: Birzālī (d. 739 H.), Mizzī (d. 742 H.), Dhahabī (d. 748 H.) and Ibn Kathīr (d. 774 H.) (1).

(1) Others were: Tāj ad-Dīn al-Fazārī (d. 690 H.) and Abū 'l-Fatḥ b. Saiyid an-Nās (d. 734. H). Subkī deplores Ibn Taimīya's influence upon Birzālī, Mizzī, Dhahabī, and their followers (see *Ṭabaqāt*, VI, 254, lines 13-15).

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If Ash'arism had triumphed in the middle ages, Ibn 'Asākir would have had no need to appeal to the Shāfi'ite traditionalists in the 12th century; nor would Subkī have needed to renew the appeal in the 14th; nor would traditionalism have kept on flourishing after it had defeated Ash'arism in Baghdad in the 11th.

The very existence of such propaganda as Ibn 'Asākir's and Subkī's is a clear indication that the Ash'arites were still struggling for recognition. For these propagandists were not representing orthodoxy interested in attracting stray sheep to the fold; they were representing a group considered to be outside the limits of orthodoxy and desperately trying to get in.

Ash'arites in theology, Ibn 'Asākir and Subkī were also two representatives of the important Shāfi'ite school of law in their respective periods. These two Shāfi'ites were fervent believers in Ash'arism which lacked nothing but legitimacy. The bid for legitimacy in Baghdad had already failed in the eleventh century, and traditionalism had won the day. The struggle for legitimacy was then transferred to Damascus. In order to succeed, our two Damacenes, Ibn 'Asākir and Subkī, had the task of convincing the orthodoxy of their day, an orthodoxy ever clinging tenaciously to the traditionalism of the Ancestors *(Salaf)*, that Ash'arism bore the Ancestors' stamp of approval. Muslim orthodoxy remained unconvinced. And after the "elucidations" of Ibn 'Asākir and Subkī, two central problems remained as perplexing as ever; namely, the origins of Ash'arism and its early development.

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(To be concluded)

# L'AUTORITÉ DE LA CHOSE JUGÉE EN DROIT MUSULMAN

La question est classique et se pose dans tout système judiciaire : en dehors des voies de recours qui peuvent être prévues par la loi et qui seraient exercées suivant leurs conditions de forme et de délais, un jugement peut-il être remis en cause et, éventuellement, être rétracté ou modifié soit par le juge même qui l'a rendu, soit par un autre juge ?

Depuis longtemps, il est admis en droit moderne, conformément à une tradition qui remonte au droit romain, que ce qui a été jugé ne peut plus faire l'objet d'une nouvelle contestation ; il s'attache aux jugements une autorité définitive. C'est ce qu'on appelle l'autorité de la chose jugée. Ce qui a été définitivement jugé est considéré comme l'expression de la vérité même, suivant la formule du vieil adage *res judicata pro veritate habetur*, fiction nécessaire pour la sauvegarde de la paix sociale, mettant un terme au renouvellement incessant des conflits, mais fiction qui, par la multiplication des recours et diverses autres garanties d'administration d'une exacte justice, correspond en général à la réalité.

La position du droit musulman est différente : en principe, les jugements sont révocables pour erreur de droit ; ils ne le sont pas pour erreur de fait (1). A ceci il faut ajouter que, suivant

(1) Cf. en sens contraire MORAND (*Études de droit musulman algérien*, 1910, Alger, p. 337 et s.). Cet auteur affirmait que le principe de l'autorité de la chose jugée était bien reconnu en droit musulman ; que ce n'est que « dans des cas tout à fait exceptionnels » qu'un jugement pouvait être rétracté par le magistrat qui l'avait rendu ; que le magistrat ne pouvait pas « toujours et en tout état de cause réviser et, le cas échéant, réformer les décisions de son prédécesseur » (p. 341-342).

des procédures *extra-ordinem*, comme celle des *maẓālim*, toute décision judiciaire peut faire l'objet d'un recours, pour motif de droit ou de fait, devant l'autorité supérieure.

Nous examinerons successivement ces deux aspects de la question de l'autorité des jugements, particulièrement dans les madhabs ḥanafite et malikite.

## I. — *La chose jugée en droit strict*

Les expressions « chose jugée », « autorité de la chose jugée » n'ont pas leurs correspondants textuels dans la terminologie arabe du droit musulman. Mais on y exprime la même idée en parlant de « caractère exécutoire du jugement » *(nafāḏ al-ḥukm)* ou *(nafāḏ al-ḳaḍā)*, ou de défaut de caractère exécutoire *('adam nafāḏ al-ḥuḳm)*; et l'on dit, en conséquence, que le magistrat devant lequel il est fait état d'un précédent jugement le déclare exécutoire *(yaḥkum bi-nafāḏih)* ou le confirme (*yumḍīh* ou *yuǧīzuh*) ou, au contraire, le révoque *(yanḳuḍuh)*.

La règle est proclamée unanimement dans toutes les écoles *(maḏhab)*: les jugements ne bénéficient pas d'une autorité définitive en tout ce qui concerne l'exacte application de la loi ; autrement dit, ils sont toujours susceptibles de « révocation » pour cause d'erreur de droit *(khaṭa')* consistant dans la violation ou la mauvaise interprétation d'une règle de droit.

Cette formule implique déjà une première limitation de la portée du principe quoiqu'elle ne soit pas exprimée formellement : l'erreur de fait ne donne pas lieu à « révocation » en principe. Certaines solutions concrètes rapportées dans les textes confirment cette exclusion de l'erreur de fait. Ainsi on décide qu'un jugement rendu sur le fondement de faux témoignages ou de fausses déclarations d'une partie, a définitivement autorité de chose jugée et ne peut pas être révoqué (Texte de l'ouvrage « *Tanwīr al-abṣār* », dans la glose du *Radd al-muḥtār* sur *Al-durr al-mukhtār*, IV, p. 45 et s. ; *Al-fatāwī al-hindiyya*, III, p. 404). A moins toutefois, que l'erreur de fait ne se trouve mélangée d'erreur de droit, auquel cas on revient à la règle générale de la révocabilité. Des auteurs font, à cet égard, des distinctions subtiles dans le détail desquelles il est inutile

d'entrer *(ibid.)*. Mais nous verrons que de nombreuses et importantes exceptions à cette règle sont apportées à ce principe tout au moins dans le madhab malékite.

Dans tous les cas où la révocabilité est admise, peu importe le magistrat devant lequel il est fait état du jugement : aussi bien le magistrat qui avait lui-même rendu le jugement que tout autre magistrat ne sont pas liés par le jugement infecté d'erreur ; ils peuvent et doivent le révoquer. Au surplus, il n'y a pas de limite à cette possibilité de révocation, en ce sens qu'un jugement dont l'autorité aurait été reconnue et qui aurait été déclaré exécutoire par un jugement subséquent, reste susceptible d'être attaqué dans une procédure ultérieure ; et inversement un jugement dont l'autorité n'aurait pas été reconnue par un jugement subséquent est susceptible d'être rétabli dans une procédure ultérieure dans laquelle serait « révoqué » le jugement infirmatif.

Cette fragilité de l'autorité des décisions judiciaires peut paraître étonnante ; les auteurs eux-mêmes reconnaissent qu'elle constitue un « grand mal » *(ḍarar šadīd)*. Mais elle s'explique par plusieurs considérations. La première procède, nous semble-t-il, du caractère religieux de la loi. La violation ou la mauvaise interprétation d'une de ses dispositions est comme une atteinte à une prescription religieuse. Un droit qui est reconnu en dépit d'une telle prescription est *ḥarām* (religieusement interdit, constitutif d'un péché); un droit qui est méconnu alors qu'il est conforme à la loi reste intrinsèquemment juste *(ḥalāl)*. D'où la formule courante, quant à l'effet de tout jugement : « Il ne rend pas juste ce qui est injuste ; il ne rend pas injuste ce qui est juste : *la yuḥill ḥarāman wa-lā yuḥarrim ḥalālan* ». On ne peut donc pas dire, comme dans un droit non intrinsèquemment religieux, *res judicata pro veritate habetur*. La chose jugée n'est qu'une « vérité humaine » qui ne saurait prévaloir sur la « vérité divine ».

Par ailleurs, le système de l'unicité du juge et l'inexistence de l'organisation et de la procédure judiciaires ordinaires du droit musulman, ne permettaient pas d'accorder aux jugements un crédit indiscutable (V. cependant, sur l'institution du *consilium* du juge, dans l'Espagne musulmane, *Tyan, Histoire de l'organisation judiciaire en pays d'Islam*, 2e éd., p. 230 et s.).

Quant à la procédure dans laquelle est mise en cause l'autorité d'un jugement, elle ne consiste pas dans une action principale. C'est ce que les textes disent, s'il s'agit d'une demande en confirmation d'un jugement : il faut que cette demande se présente comme incident d'une action ayant principalement pour objet une contestation sur le fond du droit même, et régulièrement engagée par le demandeur contre un défendeur, et au cours de laquelle sera discuté le jugement (Ibn Nuğaym, VII, p. 10). Il en devrait être de même au cas de demande d'infirmation : l'intéressé introduit une action principale ayant pour objet le fond du droit sur lequel avait statué le jugement ; et le jugement étant invoqué par le défendeur, le juge sera amené à en examiner la validité.

*Opinion extensive.*

Dans une opinion qu'on trouve enseignée dans l'École malékite, on soutient qu'il y a lieu à révocation du jugement non seulement dans les cas d'erreur proprement dite, mais aussi dans les cas où une meilleure solution de droit paraît devoir être préférée à celle qui avait été adoptée par le précédent jugement *(al-ruǧū' 'an al-ḳaḍā' ilā mā huwa aḥsan minhu)*. On restreint cependant cette faculté de rétractation au juge même qui avait rendu le précédent jugement. Cette opinion est, d'après Ibn Farḥūn, celle de la majorité des auteurs malékites ; mais elle est vivement combattue par quelques autres qui en font ressortir les grands inconvénients pratiques (Ibn Farḥūn, I, p. 56).

*En quoi consiste l'erreur de droit.*

L'erreur de droit — *khaṭa'* — est celle qui porte sur une règle qui résulte de l'une des sources traditionnelles du droit : le Coran, la Sunna, l'iğmā', ou une règle qui est déduite de l'une de ces sources par le raisonnement dit du *ḳiyās*. Il est remarquable que les auteurs ne font pas mention des règles qui résultent de cette cinquième source, qui a fini par être reconnue, celle dite du *istiḥsān* ou *istiṣlāḥ* (cf. Tyan, *Méthodologie et sources du droit en Islam*, in *Studia Islamica*, 1959, 79 et s.).

Mais un texte d'Ibn Farḥūn permet de penser que la violation d'une règle de ce genre constitue bien une erreur comportant révocation des jugements. Cet auteur cite, en effet, après la violation des textes (du Coran et de la Sunna), de l'iǧmā' et du ḳiyās, la « violation des règles » *(mukhālafat al-ḳawā'id)* d'une façon générale (*op. cit.*, p. 55).

Cependant une réserve est apportée au principe. Seules les règles de droit qui sont admises unanimement et ne font pas l'objet de controverses, sont les règles dont la violation ou mauvaise interprétation est constitutive de *khaṭa'*. Aussi bien, les auteurs rangent dans une catégorie distincte ce qu'ils appellent les *muǧtahadāt*, qui sont les règles controversées. Toutefois pour qu'une règle soit considérée comme telle, il faut qu'elle soit attribuée à un juriste auquel est reconnue la qualité de *muǧtahid*. Par ailleurs, une opinion généralement abandonnée *(mahǧūr)* ou « isolée « *(ḳawl ḳā'il)* ou « bizarre » *(šāḏḏ)*, ne suffit pas pour créer la controverse. Au-delà de ces solutions, la plus grande confusion règne sur la notion de *muǧtahadāt;* et les opinions les plus diverses et contradictoires sont enseignées. Suivant l'une d'elles, restent toujours considérées comme controverses les règles qui l'avaient été au cours de la période primitive, parmi les Compagnons *(Ṣaḥāba)* et leurs successeurs *(Tābi'ūn)*, donc antérieurement à la constitution des madhabs, à partir du milieu du IIe siècle de l'Hégire. Peu importe que, par la suite, l'accord général *(iǧmā')* se soit fait sur elles. Et à l'inverse, les règles qui ont fait l'objet de controverses postérieurement à cette première période ne sont plus considérées comme *muǧtahadāt*, de telle sorte que, à l'intérieur d'un même madhab, les règles qui y sont admises ne sont pas considérées comme telles du fait qu'elles sont contestées par un autre madhab.

Dans une deuxième opinion, au contraire, les règles primitivement controversées mais qui ont été couvertes par le *consensus* général ne sont plus des *muǧtahadāt;* — tout comme par ailleurs les règles controversées entre madhabs sont des muǧtahadāt. De telle sorte que le jugement d'un magistrat de madhab ḥanafite, par exemple, qui statue en application d'une règle admise dans le madhab šāfi'ite, mais qui n'est pas admise dans le sien, ne serait pas susceptible de « révocation ».

Une troisième opinion va beaucoup plus loin, ce qui est de nature à assurer, dans le plus grand nombre possible de cas, le respect de la chose jugée. On y enseigne, en une formule ne comportant pas de réserve, que « toute question sur laquelle les juristes n'ont pas été d'accord est considérée comme matière de controverse » (Ibn Farḥūn, I, 55 : *Kull mas'ala ikhtalafa fīhā al-fuḳahā' fa-innahā taṣīr maḥall iǧtihād ; adde* Ibn Nuǧaym, VII, p. 12).

Cependant, il devait pratiquement devenir impossible de continuer à faire prévaloir de telles opinions à partir de la constitution définitive des divers madhabs et de « la fermeture de la porte de l'*iǧtihād* » — et surtout à partir du moment où l'autorité supérieure dans chacune des diverses régions du monde musulman adopta officiellement un madhab déterminé dont seuls les adeptes étaient désignés aux postes de magistrature. On enseigna, en conséquence, que les jugements rendus par un magistrat ressortissant à un madhab déterminé, mais par application des règles admises, ne sont pas considérés comme rendus dans des *muǧtahadāt*. Autrement dit, les règles admises dans le madhab du juge sont les seules règles considérées comme la véritable expression de la loi ; et, par conséquent, l'adoption de règles différentes est considérée comme une violation de la loi, devant être sanctionnée par la « révocation » du jugement. C'est l'opinion qui, au témoignage d'Ibn Nuǧaym (1519/1562), prévalait à son époque (Ibn Nuǧaym, VII, p. 9).

*Conception subjective ou objective de la notion de muǧtahadāt.*

Dans l'opinion la plus répandue, il ne suffit pas, pour qu'un jugement ne soit pas susceptible de « révocation », que, effectivement et objectivement, la règle dont il a fait application soit une règle des *muǧtahadāt ;* il faut, aussi, que le juge ait statué, à cet égard, en connaissance de cause, c'est-à-dire qu'il ait eu conscience qu'il s'agissait bien d'une règle controversée. A défaut de cette condition, l'action en révocation sera toujours ouverte. Concrètement, le cas se présente en la forme suivante : un magistrat rend son jugement en base d'une règle déterminée, enseignée par tel groupe de juristes et qu'il croit être la seule règle en vigueur ; mais en réalité, la règle est contestée par

d'autres juristes. On se trouve, donc, dans un cas de *muǧtahadāt ;* et pour cette raison, la décision ne serait pas révocable. Cependant comme le juge n'a pas eu conscience de cette divergence de solutions juridiques et que ce n'est pas en connaissance de cause qu'il a choisi l'une d'elles par préférence à l'autre, on ne iendra plus compte de ce fait de controverse. Ceci étant, le cas stra assimilé à celui où le jugement aurait été rendu contrairement à un état de droit non controversé ; et il sera, en conséqueice, annulé.

*Notion de muǧtahadā , garantie de la chose jugée (suite).*

On distingue entre deux catégories de règles objet de controverse : celes qui constituent le motif légal du jugement et celles qui sont relatives aux conditions de validité du jugement en lui-mêm . Dans l terminologie des auteurs, on dit, quant à la première catégorie, qu'il s'agit de *muǧtahadāt fī sabab al-ḥukm* ou *fī sabab al ḳaḍā'* (quant au motif du jugement) ou *fī-l-mas'ala* (controverse quant au cas d'espèce) — quant à la deuxième catégorie, on dit qu'il s'agit de *muǧtahadāt fī nafs al ḥukm* ou *fī nafs al-ḳaḍā'*. Un exemple de la première catégorie est celui de la règle d'après laquelle est admissible (ou ne l'est pas) le témoignage d'un homme en faveur de sa femme ; — un exemple de la deuxième catégorie est celui de la règle d'après laquelle le juge a qualité (ou ne l'a pas) pour statuer dans un litige où son fils est partie.

Or, tandis qu'il est unanimement admis que le jugement dans lequel la règle qui en est le fondement est objet de controverse, ne peut pas être révoqué, les avis sont partagés quant au jugement dont la validité même dépend d'une règle controversée. Il paraît, cependant, que, dans le dernier état du droit, un tel jugement n'acquiert pas autorité définitive ; et le deuxième juge saisi du cas peut ou bien le confirmer, ou bien l'infirmer, suivant que lui-même est partisan ou non de la règle controversée ; — et dans les deux hypothèses le nouveau jugement aura autorité définitive (Ibn 'Abidīn, IV, p. 451 ; Ibn Ḳāḍī Samawana I, p. 24).

*Extension exorbitante de la révocabilité des jugements.*

Suivant une doctrine qu'on trouve développée dans le madhab malékite (cf. Ibn Farḥūn, *op. cit.*, p. 57 et s., p. 63 et s.), l'autorité de la chose jugée est réduite dans une mesure exorbitante. En plus du cas d'erreur de droit, tel que cela a été exposé plus haut, on enseigne que les jugements sont révocables dans deux autres ordres de cas :

1. Dans un premier ordre de cas, on se place au point de vue de la personne du juge, et l'on distingue entre les trois situations suivantes ; celle du juge reconnu comme savant et juste, — celle du juge ignorant mais juste ; — celle du juge inique.

*a)* Le juge savant et juste. — Ses jugements ne sont révocables que s'il est établi qu'ils ont été rendus par inadvertance ou erreur (*sahw* ou *ġalaṭ*). Il s'agit d'inadvertance ou d'erreur portant sur des points de fait.

*b)* Le juge ignorant mais juste. — Ses jugements rendus même en matières controversées sont révocables pour erreur de droit. Mais, *a fortiori*, on doit admettre qu'ils sont encore révocables pour erreur de fait dans les conditions prévues, où sont révocables les jugements du juge savant et juste.

*c)* Le juge unique. — Tous ses jugements, même justes en droit et en fait, sont révocables *(aḳḍiyatuh kulluhā turadd ṣawāban kānat aw khaṭa'an)*. Cependant, quelques opinions dissidentes font certaines distinctions, comportant restriction de cette révocabilité générale.

2. Abstraction faite des cas précités d'ouverture à révocation, divers motifs de fait emportent révocation des jugements. Ce sont, notamment : l'inimitié entre le juge et le plaideur ou ses enfants ou ses père et mère ; — la nullité des témoignages sur le fondement desquels le jugement a été rendu (sous réserve d'une controverse) ; — la production de nouvelles preuves qui étaient ignorées du demandeur en révocation (sous réserve d'une controverse).

Par ailleurs, même dans le madhab ḥanafite, une pratique judiciaire, qui est du genre de celle qu'on appellerait en procé-

dure moderne celle des « jugements en l'état », réduit considérablement l'autorité de la chose jugée, permettant, pour erreur de fait, de revenir sur des jugements rendus. Elle consiste en ce que le magistrat déclare à la fin de son jugement que, quoi qu'il en soit de ce qu'il y a décidé, le droit reste réservé aux parties de faire valoir une nouvelle preuve ou défense, qui aurait pour effet de modifier ou d'annuler le jugement *(taraka al-maḥkūm 'alayh... 'alā ḥuǧǧatih wa 'alā daf'ih matā alā bihā yawman min al-dahr)*. Cette clause de réserve paraît être devenue de style dans les jugements (cf. Uzagandi, VI, p. 163).

## II. — *La procédure* extra ordinem

Dans le système du droit public musulman, la justice a toujours été une « justice retenue » : le chef de la communauté, le calife, est le détenteur premier du pouvoir judiciaire et les magistrats ne sont que ses délégués. A partir de la décadence du califat et du morcellement de l'empire, bénéficièrent du même statut les ministres des califes, les sultans, les chefs de territoires autonomes (Cf. Tyan, *Histoire de l'organisation judiciaire en pays d'Islam*, 2e éd., p. 100 et s.).

Ce statut se traduit par la double compétence du chef de se saisir directement des litiges des particuliers, en se substituant aux juges ordinaires, et de connaître, en deuxième ressort, de leurs jugements. Ce contrôle s'exerce en deux formes : soit que le chef évoque d'office devant son tribunal des affaires déjà jugées, soit que les plaideurs l'en saisissent par un recours. Cependant, en l'une ou l'autre forme, ce contrôle des jugements des magistrats, manifestation du pouvoir souverain, n'est pas soumis à des règles fixes et, notamment, il n'est pas limité par des délais, de telle sorte que, à la différence des recours du droit moderne, les jugements restent menacés dans leur autorité indéfiniment.

Par ailleurs, le contrôle s'exerce aussi bien quant au droit que quant au fait. Il s'agit, d'une façon tout à fait générale, d'examiner *la justice* de la solution adoptée par le jugement.

La forme d'exercice d'office du contrôle des jugements apparaît comme un incident du pouvoir hiérarchique général : le prince

ayant le pouvoir de révoquer les magistrats incapables ou indignes, et l'appréciation de leur conduite et de leur capacité dépendant essentiellement de la qualité de leurs jugements, il est amené à examiner ces jugements, pour en tirer, le cas échéant, la conséquence principale, la révocation du juge ; mais, par le fait même, les jugements qui seraient apparus comme rendus injustement seront annulés. Cette action d'office peut être entreprise de la seule initiative de l'autorité supérieure tout comme elle peut être provoquée par une plainte de l'intéressé. Mais celui-ci ne sera pas partie à la procédure comme dans une instance judiciaire.

Le contrôle sous forme de recours consiste dans l'action par laquelle la partie non satisfaite d'un jugement demande qu'il y soit statué à nouveau. Il constitue une des applications prévues de la procédure des *maẓālim* (cf. Tyan, *op. cit.*, p. 433 et s.). Suivant une procédure analogue, dans le madhab malékite, le prince, saisi du recours, statue après avoir pris conseil d'un groupe de juristes. D'après l'opinion de quelques auteurs, cependant, le recours ne serait pas recevable s'il s'agit du jugement d'un magistrat connu pour sa science et son intégrité (Ibn Farḥūn, *op. cit.*, I, p. 62 et s.).

En tout cas, il ne semble pas que le recours donne lieu à de nouveaux débats : le prince et ses conseillers statuent, comme on dirait aujourd'hui, « sur pièces », au seul vu du jugement attaqué (1).

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(1) *Principales sources utilisées:* Dāmād effendi : *Maǧma' al-anhur*, Constantinople, 1328/1910. — Ibn 'Abidīn : *Radd al-muḥtār*, Constantinople, Imprimerie Uṯmānyya, 1326/1908. — Ibn Farḥūn : *Tabṣirat al-ḥukkām*, Le Caire, Imprimerie Bahyya, 1302/1884. — Ibn Ḳāḍī Samawana : *Ǧāmi' al-fuṣūlayn*, Le Caire, Imprimerie Bulak 1300/1882. — Ibn Nuǧaym : *Al-baḥr al-rā'iḳ*, Le Caire, Imprimerie Dar al-kutub al-'arabyya (sans date). — Sarakhsī : *Mabsūṭ*, Le Caire, Impṛimerie Sa'da (sans date). — Uzaǧandī : *Al-fatāwī al-hindiyya*, Le Caire, Imprimerie Bulak, 1282/1855, 1311/1893.

# JUSTICE IN THE MEDIEVAL PERSIAN THEORY OF KINGSHIP

The unquestioning acceptance by the Muslim community and Muslim thinkers of certain underlying metaphysical assumptions militated against, if it did not prevent, the evolution of a systematic and practical political doctrine; and profoundly affected their writing in many spheres. The historian tended to view history as important so far as it "proved" Islam and acted as a warning to those who rejected or failed to fulfil its demands; the biographer regarded as significant those aspects of character and life which helped to build up the Muslim community; and the political theorist tended to consider important what preserved and explained the beliefs and actions prescribed by the revealed law, and what combatted error and prevented heresy. The fact, moreover, that the life of the Muslim community was based on certain unquestioned assumptions leads, so far at least as Persian political writings are concerned, to a certain difficulty of interpretation. On the one hand, the orthodox often did not feel it necessary to state what was known and accepted by all; on the other hand, the influence of the *'ulamā* discouraged the open expression of unorthodox opinions; and the insecurity deriving from the arbitrary and irresponsible nature of political power made downright condemnation of existing practices and theories unwise. Consequently the expositions of both orthodox and unorthodox do not always state the full case.

The works which discuss political theory fall into four main categories: juristic works, administrative handbooks, mirrors

for princes, and philosophical works (1). The division between them is not always clearly marked: one category merges into another, and one writer sometimes composes works belonging to different categories. In all, but especially in the first and last categories, the connexion with theology is close. Indeed, it has been said that political science did not exist as an independent discipline in Islam; and so far as it existed at all it was a department of theology. The works of Muslim political thinkers are concerned with timeless things and ideals; but they cannot any more than those of other political thinkers be taken out of the context of the time without reference to political conditions and movements of thought. Some, even though they treat of the ideal state or the ideal ruler, are political tracts; and the question arises how much is protest, how much fact, how much ideal.

The theory put forward by the first category, the juristic theory, may fairly be termed the classical theory, though its exponents were not, in time, confined to the classical period. The theories put forward by the other categories, in contradistinction to the juristic theory, may be regarded as forming the medieval theory. The jurists, as Professor F. Rosenthal has pointed out, never asked the question whether the state must be or how it originated. It was, and its function was to guarantee the maintenance of pure Islam, the application of its law, the *sharī'a*, and the defense of orthodoxy against heresy (2). In the juristic, or classical, theory the unity of "church" and state under the rule of the caliphs was assumed, the caliph being the executive and representative of the sacred law, which was the prime instrument in the building up of an Islamic society (3). Life and society were regulated by Islam and each was assured his due function. That of the temporal ruler was to carry out religious decrees. To enable him to do this he had to fulfil certain conditions. The first of these was that he should be endowed with *'adāla*, justice, since his

(1) The work of Ibn Khaldūn, one of the most important Muslim political thinkers, falls outside these categories and is virtually *sui generis*.

(2) "Some Aspects of Political Thought", in *Islamic Culture*, xxii, i, p. 1.

(3) H. A. R. Gibb, *Modern Trends in Islam*, Chicago, 1947, p. 111.

primary function was to judge the people. Secondly he required *'ilm*, knowledge (of the traditional Muslim sciences necessary to interpret the law). Al-Māwardī defines *'adāla*, the quality of *'adl*, as a state of moral and religious perfection. These two qualities, in particular, justice and knowledge play an important part in the medieval theory but they tend to be interpreted in a slightly different sense and to be influenced by Sasanian and Greek theory.

The basis of the conception of justice for the Muslim was the keeping of the covenant which God had freely made with His servants, and this meant submission and worship. Thus the *dār al-Islām* was also the *dār al-'adl*. In other words the territory of Islam was the territory of justice in measure as Quranic prescriptions were observed; where there ruled a legitimate authority charged with the duty of exhorting to righteousness and forbidding from evil. If the territory of Islam was subjected to unjust laws, it became the territory of force and injustice *(fisq)*. It was assumed that by nature Muslims were predisposed to justice and infidels to injustice (1). Thus, injustice carried with it a religious as well as a moral and ethical connotation; and though in the medieval theory the conception of justice, to some extent, lost its specifically Islamic sense, the connexion between injustice and irreligion remained in the popular mind. For example, the injustice and tyranny *(ẓulm)* of the shah and his government, which moved the Persian reformers in the late XIXth century to protest, was regarded by the people at large as a threat to Islam and the Islamic way of life.

Of all the constitutional theories the juristic theory is the most purely Islamic; and to a greater or less degree it moulded and influenced the thinking of all Muslim political thinkers. Among the most important figures in its development were Abū Yūsuf (d. 182/798), al-Māwardī (d. 450/1058), al-Ghazālī (d. 505/1111), Ibn Taymīya (d. 728/1328), and Ibn Jamā'a (d. 733/1333). Some of them, in time, belong to the medieval period, but the theory which they put forward, although to

(1) See L. Gardet, *La Cité musulmane*, Paris, 1954, pp. 91 ff.

some extent modified in the light of historical precedent and contemporary conditions, is essentially the classical theory. Even the classical theory, however, is influenced by concepts from other civilizations. In it, as Sir Hamilton Gibb has pointed out, the millenial concept of the "Universal Empire" and the *Pan-basileus* appear in Islamic guise (1), though not in so pronounced a form as in the works of the philosophers. The introduction to the *Kitāb al-Kharāj*, addressed by Abū Yūsuf to Hārūn ar-Rashīd, is, in fact, an implicit protest against the prevailing cult of Sasanian tradition (2). In it the principles of truly Islamic government are exclusively based upon the *sunna* of the patriarchal caliphs and 'Umar b. 'Abd al-'Azīz. Abū Yūsuf likens the ruler to a shepherd and stresses the fact that he has been divinely appointed and will be answerable to God for his own actions and the flock entrusted to him. He also emphasizes the need for the ruler to show piety and justice in carrying out his duties; and reminds Hārūn ar-Rashīd of the heavy responsibilities of office (3).

Echoes of the theme of the ruler as the shepherd of his people are heard in the medieval theory. Thus, Al-Ghazālī (who was a key figure in its evolution, as he was in the development of the classical theory) compares the ruler to a shepherd in the *Naṣīḥat al-Mulūk* (4). Similarly Najm ad-Dīn Rāzī (d. 644/1256) in the *Mirṣād al-'Ibād min al-Mabda' ilā'l Ma'ād* likens the ruler to a shepherd, whose duty it was to guard his flock from the wolf and to restrain the stronger among them from trespassing against the weaker (5). Ḥusayn Vā'iẓ Kāshifī (d. 910/1505) in the *Akhlāq-i Muḥsinī*, also compares the ruler to a shepherd (6). But on the whole, the conception of the ruler in the medieval theory is autocratic rather than patriarchal.

The administrative handbooks, mirrors for princes, and

(1) "The Evolution of Government in Early Islam", in *Studia Islamica*, fasc. 4, pp. 16-17.
(2) *Ibid.*, p. 17.
(3) *Kitāb al-Kharāj*, Bulaq, 1933, pp. 1-3.
(4) Ed. Jalāl Humā'ī, Tehran, 1926-7, pp. 11-12.
(5) Ed. Ḥusayn al-Ḥusaynī an-Ni'matallāhī, Tehran, 1923, p. 248.
(6) Ed. Āqā Mīrzā Ibrāhīm Tājir Shīrāzī, Bombay, lith., p. 291.

philosophical works may be regarded as together forming the medieval theory in contradistinction to the classical theory. The mirrors hold a place of special importance in that, although they deal with political theory in a somewhat disjointed fashion, they form an intermediary link between the jurists and the philosophers. They treated, on the whole, of profane learning and the knowledge necessary for given offices and functions rather than of *'ilm*, or religious learning, with which the jurists were primarily concerned; and wrote primarily from the point of view of the art of government, whereas the philosophers discussed rather the theory or principles of government. There is a striking continuity in the writing of mirrors. Ibn al-Muqaffa' wrote and translated mirrors in the second/eighth century and they were still being written in Persia in the medieval tradition at the beginning of the present century. On the one hand the mirrors write against what will weaken the state; and on the other they hold up the ideal ruler, partly, perhaps, in implicit protest against the failure to achieve that ideal.

The circumstances prevailing in the Islamic world were such that Islam appreciated order. This had two consequences. First it led the theorists in general to urge the need for the ruler's power to be effective and the jurists, in particular, to justify obedience to an unjust ruler (1). Fakhr ad-Dīn Rāzī (d. 606/1209) also accepts this view and regards the rule of an unrighteous ruler preferable to the rule of a virtuous ruler if the interests of peace so demand (2). He further states that it is not permissible to speak evil of a tyrannical ruler because however tyrannical he may be the good accruing from his existence (as a ruler) is greater than the evil which comes through him (3). Secondly the tendency towards conservatism was strengthened and tended to invade all aspects of life, religion, politics, literature, and thought; and, because of the resulting tendency to cling to tradition, political thought

(1) Cf. al-Ghazālī, *Iḥya' 'Ulūm ad-Dīn*, Cairo A. H. 1334, ii. 124.
(2) *Jāmi' al-'Ulūm*, B.M.,Or. 2972, ff. 177 a-b.
(3) *Ibid.*, f. 187 b.

received less attention than dogmatic theory (1). Moreover, the fact that the ruler was regarded as the Shadow of God almost inevitably stifled political thought and development, so that the maintenance of stability and the *status quo* became one of the primary concerns of political thinkers (2). Their works thus tend to be concerned with ethics rather than politics.

In the medieval theory of the ruler, especially as put forward by the administrators or statesmen, the influence of the old Persian theory of state can be clearly seen, in some respects reinforcing similar tendencies to be found in the juristic theory, and in others virtually transforming that theory. In the Sasanian Empire there had been a strong connexion between the Zoroastrian religion and the Sasanian state. Mas'ūdī in the *Murūj adh-Dhahab* attributes to the founder of the Sasanian dynasty the saying "Religion and kingship are two brothers, and neither can dispense with the other. Religion is the foundation of kingship, and kingship protects religion. For whatever lacks a foundation must perish, and whatever lacks a protector disappears" (3). This saying was incorporated into the medieval theory of state in the Eastern Muslim world and is quoted by innumerable writers after Mas'ūdī. In the Zoroastrian theory society was divided into four classes: priests, warriors, husbandmen, and artisans. To quote Professor Zaehner, each individual man was regarded as "here on earth to do his own job and no one else's, and his own job will necessarily be dictated to him by his class. The social organism was, then, co-terminous with the Good Religion, and the two could not be separated. Prosperity and virtue were seen as

(1) Cf. G. von Grunebaum, *Medieval Islam*, p. 344.

(2) Alongside, and in conflict with, this conservative tendency there was another trend running through Islamic thought and history, namely a messianic tendency, but its manifestations were relatively rare and seldom sustained. See also my article *Quis Custodiet Custodes* in *Studia Islamica* fasc. V and VI on the implications of this tendency to regard the ruler as the Shadow of God.

(3) R. C. Zaehner, *The Dawn and Twilight of Zoroastrianism*, London, 1961, p. 284. Cf. also the statement in the *Tansar-nāma* that religion and kingship are brothers (Ibn Isfandīyār, *Tārīkh-i Ṭabaristān*, ed. 'Abbās Iqbāl, Tehran, n. d., p. 17).

two facets of an essentially unitary system, the spiritual and material sides of the good creation, the whole being subordinate to the good government of the king of kings. The whole structure was summed up in the 'mean' which was a just equipoise between excess and deficiency" (1). This functional division of society was largely accepted by the medieval Islamic Persian theory of state and the duty of the ruler was seen largely to be the preservation of a due equipoise which was to be achieved by keeping each individual in his proper place.

Further, to quote Zaehner again, "Zoroastrians had regarded their religion as being the word of God, the expression of the divine mind, which was the Divine Wisdom, religion and wisdom being thus interchangeable terms. The Religion was seen as God's word operating on earth within the social structure of the Sasanian empire in which each man was allotted his due place. So close was the link between the Zoroastrian religion and the Sasanian Empire that the collapse of one meant the downfall of the other. In the reformed Zoroastrianism of the Sasanian Empire the key concepts of the Good Mind and Truth were preserved as Wisdom and the Mean" (2). These concepts, too, were taken into Islamic political thought—the doctrine of the 'mean' coming in two ways, through Zoroastrian theory and through Greek philosophy—and in large measure transformed the juristic concepts of *'ilm* and *'adāla*, to which they were assimilated. In the Sasanian theory royalty was concerned with the orderly and just government of the world: the king was the representative of God upon earth. The relationship of the royal power to the Zoroastrian religion was that of body and soul and the right relationship between them was the mean (3). The parallel with the ruler as the Shadow of God upon earth in the medieval Islamic theory is a close one.

The beginnings of the medieval Islamic theory, which starts from broadly the same metaphysical pre-suppositions as the classical theory, go back in time to the classical period; and are

(1) *Ibid.*, 285.
(2) *Ibid.*
(3) *Ibid.*, p. 298.

to be found in the works of Ibn al-Muqaffa', a man of great erudition, who translated a number of works from Pahlavi into Arabic, and wrote many others, some of which fall into the category of administrative handbooks and others into that of mirrors for princes. He was by origin from Fārs and probably by birth a Manichaean, adopting Islam late in life. He was brought up in 'Irāq and became a secretary in the diwan and had intimate relations with the family of the caliph and other leading families. He was murdered in 142/759. The conflict between the Islamic Arab theory of state and the pre-Islamic Persian theory can be seen in his writings. At the time when he was writing the basis of the state had changed. The 'Abbasids did not ultimately depend, as had their predecessors, on the Arab tribes but on the imperial bodyguard; the regulation and control of the army thus posed a new problem. The bond of society, moreover, was no longer Islam but rather 'right religion'. In Ibn al-Muqaffa's exposition of the ruler in the *Adab al-Kabīr*, which is a mirror, the sovereign is absolute and to be obeyed implicitly. In the *Adab as-Ṣaghīr* (1) he states that the ruling of men was a great calamity (for him who exercised that one) (2). The ruler must exercise great care in the appointment and supervision of governors and wazirs, reward those who do good, and punish those who do evil (3). Obedience was due to the just sultan (4); but the man most fitted to rule was the man endowed with knowledge *(ahl al-ma'rifa)* (5). In the pre-eminence accorded to knowledge rather than justice Ibn al-Muqaffa' is perhaps influenced by pre-Islamic Persian tradition. In the later mirrors justice takes precedence; but in the theory of the philosophers and some Ismā'īlī writers, notably Afḍal ad-Dīn Kāshānī (6), wisdom has pre-eminence.

(1) This is attributed to Ibn al-Muqaffa' but its authenticity is questioned, (see E.I.J. Rosenthal, *Political Thought in Medieval Islam*, CUP 1958, p. 251. 16n.).

(2) *Al-Adab as-Ṣaghīr wa 'l-Adab al-Kabīr*, Beirut, 1960, p. 22.

(3) *Ibid.*, p. 23.

(4) *Ibid.*, p. 33.

(5) *Ibid.*, p. 30.

(6) Cf. the essay entitled *Sāz u Pirāya-i Shāhān-i Pur-māya* in *Muṣannifāt*, ed M. Mīnovī, Tehran 1952, i, pp. 83 ff.

In the *Kitāb as-Ṣaḥāba*, addressed to Abū Ja'far al-Manṣūr, which is an administrative handbook rather than a mirror, Ibn al-Muqaffa' deals largely with the army and the position of the caliph and his entourage. In this work his principal aim seems to have been to establish stability by means of a rigid control by the state; and he made right belief the corner-stone of his political programme. *Inter alia* he entreated the caliph not to give the army any share in the administration of financial affairs (1); and advocated a mixed army, in which he is followed by various later writers, including Niẓām al-Mulk (2) and Kay Kā'ūs (3).

The medieval theory, which centred round the sultan, in contradistinction to the classical theory, which developed round the imam, was firmly established by the second half of the fifth/eleventh century. The theoretical purpose of government remained the formal establishment of the religion of Islam and conditions in which each could fulfil his true destiny. To achieve this end life and livelihood had to be protected and discipline enforced. The sultan had become the Shadow of God—the caliph, who by this time had lost his temporal power, is virtually ignored by the exponents of the medieval theory. Ibn Balkhī, a *mustawfī* of Fārs, discusses kingship briefly in the introduction to the *Fārs-nāma*, which he dedicated to Muḥammad b. Malikshāh (reg. 498-511/1104-17). He conceives of the sultan as directly appointed by God and ideally endowed with justice and knowledge. Ibn Balkhī is to some extent an epitomist; and so far as he touches upon the theory of the ruler he puts forward a view which had been profoundly influenced by the pre-Islamic Persian theory of state, and which, by the turn of the fifth/eleventh century, had achieved widespread acceptance in the eastern part of the Islamic world. "When God", he writes, "chooses from among his servants a noble person, places in his grasp the reins of kingship and sovereignity, and gives to him the dominion and protection of

(1) See further S. D. Goitein, A Turning-point in the History of the Muslim State, in *Islamic Culture*, xxiii, 3 (July 1949), pp. 120-35.

(2) See *Siyāsat-nāma*, ed. Schefer, Persian text, pp. 85-6.

(3) *Qābūs-nāma*, ed. R. Levy, G.M.S., 1953, p. 134.

the world, the greatest favour which He can show towards that king in particular and to the people of the world in general is to incline the aspirations of the king of the time towards knowledge and justice, because all virtues are contained in these two excellent qualities. When the virtues of the king are adorned by these two excellent qualities, he possesses one of the ingredients of prophethood, by the miraculous gift of which God most high has singled him out; and the people of the world will be at peace under the wing of his justice and compassion and in the shelter of his beneficence and favour; and he will achieve the happiness of both worlds" (1). Ibn Balkhī, whose narrative of the pre-Islamic Persian kings is the oldest independent Persian prose history of them which has come down to us, holds up the ideal of justice in his account of them. "The foundation of the kingdom of the Persians," he asserts, "was based on justice and their way of living on equity and liberality. Whenever one of them made his son heir apparent he enjoined upon him the following maxim: 'There is no kingdom without an army, no army without wealth, no wealth without material prosperity, and no material prosperity without justice.'" (2) Ibn Balkhī also accepts the traditional view of

(1) Ed. G. Le Strange, G.M.S., p. 1.

(2) *Ibid.*, pp. 4-5. This aphorism attributed by al-Tha'ālibī to Ardashīr (*Histoire des Rois des Perses*, p. 482) became one of the stock themes of the writers of mirrors. It is used by Niẓām al-Mulk, al-Ghazālī, Kay Kā'ūs, and others. Cf. also al-Tha'ālibī's account of the Persian kings and their justice. Tahmūrasp, for example, was alleged to have united in his person "the purity of angels, the virtues of prophets and the majesty of kings. When he assumed the crown, he summoned the chiefs of the people and the great men of his court.... and said, 'Be content, because with the help and guidance of God I will purify the earth of all evil and iniquity for you and defend you against evil beings among men and *jinn*. I shall care for you as for myself, my wife, and my sons, and treat you with the same beneficence. I shall exert all my efforts for your good and your prosperity and shall not cease day or night to procure for you benefits and to spread among you justice and bounty...'" (quoted by Christensen, *Le premier homme*, i, 198-9). Similarly al-Tha'ālibī attributes the following words to Kay Khusraw, "the actions of kings, our predecessors, who were called *arbāb* when their actions conformed to justice and led to good, resembled the acts of God, may His mention be glorious, in His solicitude for His creatures. Divinity is a heavenly sovereignity and kingship an earthy sovereignity. He who is worthy of this name must observe, in human affairs in the world, the order in affairs established by the Creator" (*Les Rois des Perses*, ed. Zotenberg, p. 239).

the connexion between stability and right belief. After relating the story of Jamshīd, he adds by way of parenthesis the following words: "May God most high destroy all the enemies of the faith and the victorious state and cause the lord of the world to enjoy the piety, right belief, knowledge, and justice with which he is endowed, because the basis of all virtues is piety. Those possessed of learning have said, 'a king who is adorned by religion and whose rule is stable because of justice, kingship will not disappear from his house unless, God forbid, some disorder appears in religion or he commits tyranny'" (1).

One of the most important figures in the formulation of the medieval theory in its middle period was Niẓām al-Mulk (d. 485/1092), the wazir first of Alp Arslān and then of Malikshāh. In the *Siyāsat-nāma*, which belongs to the category of administrative handbooks rather than mirrors for princes, though it has some of the characteristics both of the latter and the political tract, he writes, "God most high in every age chooses someone from among the people, causes him to be adorned with and praised on account of kingly virtues; and relegates to him the affairs of the world and the peace of his servants; and closes through him the doors of corruption, disturbance, and sedition; and fills the hearts [of the people] with awe for him, and causes his magnificence to be spread out before their eyes, so that people may pass their days under [the shadow of] his justice, enjoy security, and desire the continuance of his rule" (2). Niẓām al-Mulk appears tacitly to regard the theory of the divine light *(farr-i īzadī)* as superseding the classical theory that the caliph should belong to the Quraysh. He states "If the king has the divine light and sovereignty, and knowledge *('ilm)* is united with the former he will receive the happiness of both worlds" (3).

(1) *Fārs-nāma*, p. 34.

(2) *Siyāsat-nāma*, p. 5. Cf also the statement, "God most high created the king superior to all men and the people of the world are all subject to him and they have from him their sustinence and greatness. They must always so conduct themselves as to know their own position and not to take out from their ears the ring of slavery; and if they vaunt themselves in front of each other let them beware lest they forget their position" (p. 163).

(3) *Ibid.*, pp. 55-6.

The object of temporal rule was to fill the earth with justice. This is illustrated by a long anecdote of Anūshīravān, in which he is made to say that he would answer the tyrannical with the sword, protect the ewe and the lamb from the wolf, shorten the hands of tyrants, root out from the earth the corrupt, and make the world prosperous by equity, justice, and security, for which purpose he had been created. "If," he concludes, "it was fitting that people should do whatever they wished, God most mighty and glorious would not have brought forth a king and placed him over them" (1). The way in which the world was to be filled with justice was by the maintenance of each in his rightful place so that stability would be preserved. In the theory of Niẓām al-Mulk conservatism, deriving in part from the theocratic nature of Islamic society, was reinforced by the memory of the pre-Islamic Persian theory of government and the hierarchical organization of Persian society. "God most high", he writes, "singles out by His grace one of His servants for happiness and the exercise of authority; and, according to the measure of his deserts, bestows on him good fortune, giving him reason and knowledge, by which he maintains his subordinates each according to his rank and gives to each one, according to his deserts, a rank and status; and they [in their turn] choose their servants and followers from among the people, and he [the king] gives to each one [of them] a rank and office, and relies upon them for the execution of the affairs of religion and state. The subjects then will follow the path of obedience and occupy themselves in their own affairs; and the king will keep them secure from troubles so that they pass their time at rest in the shadow of his justice" (2). The king was to admonish those who committed oppression and, if that did not waken them, to remove them from office; and to punish anyone who meditated treason according to the measure of his offence. Further, he was to strive to make the world prosperous by such means as the improvement of irrigation and communications and the building of new cities (3). The

(1) *Ibid.*, p. 35.
(2) *Ibid.*, p. 6.
(3) *Ibid.*

qualities and actions required of a ruler were comely appearance, good nature, justice, courage, horsemanship, knowledge, ability to wield different kinds of arms, compassion for the people, steadfastness in fulfilling vows and promises, and a liking for orthodox religion, obedience to God, the performance of supererogatory prayers, respect for the learned, the abstinent, and pious, and for judges, the giving of alms continually, good treatment of the poor, inferiors, and servants, and restraint of the tyrannical from illtreating the subjects (1).

Niẓām al-Mulk believes in the connexion between right religion and stability. In the chapter on the ruler's duty to investigate religious affairs, carry out religious duties and the commands of God, and respect the religious classes, he states that "what a king needs most is right religion, because kingship and religion are two brothers. Whenever any disturbance appears in the kingdom disorder also occurs in religion, and people of bad religion and malefactors appear. Whenever there is disorder in the affairs of religion the kingdom is disturbed, and the power of malefactors increases; and they cause the kings to lose their dignity and make them troubled at heart; and innovations appear and rebels become powerful" (2). The political threat offered by unorthodoxy is discussed at length in the later chapters of the book. In an anecdote of Alp Arslān he is alleged to have said, "I have several times pointed out that we are strangers here and we have taken this kingdom by force. We are all orthodox (lit. pure) Muslims but these 'Irāqīs are of bad religion and partisans of the Daylamites. Today God most high has made the Turks powerful because they are orthodox Muslims and do not go after desire or innovation" (3).

(1) *Ibid.*, p. 7. Elsewhere Niẓām al-Mulk states "It has been said if a king wants to have glory and excellence above every other king, let him refine and adorn his morals by keeping far from him bad qualities and adopting good qualities. The former are rancour, envy, pride, anger, lust, greed, desire, obstinacy, lying, miserliness, bad temper, tyranny, wilfulness, haste, ingratitude, and levity; the latter are modesty, good temper, compassion, forgiveness, humility, generosity, sincerity forbearance, gratitude, mercy, knowledge, reason, and justice" (*Ibid.*, pp. 163-4).

(2) *Ibid.*, p. 55.

(3) *Ibid.*, p. 140.

Justice, however, rather than right religion was the basis of Niẓām al-Mulk's theory. "Kingship", he states, "remains with the unbeliever but not with injustice". It was for kings to retain the satisfaction of God and this was to be gained by beneficence towards the people and by the spreading of justice among them. The corollary of this was constant supervision of the affairs of the people and the actions of officials and restraint of the tyrannical (1). The emphasis laid by Niẓām al-Mulk, and others after him such as Naṣīr ad-Dīn Ṭūsī and Ḥusayn Vā'iẓ Kāshifī, on the appointment of *aṣḥāb-i khabar* was mainly with a view to the prevention of injustice by officials since the overthrow of the rule of justice would lead ultimately to the overthrow of the kingdom (2). Justice as regards the personal conduct of the ruler meant, in the exposition of Niẓām al-Mulk, the observation in all things of the 'mean'. "He should follow the ancient custom and canons of kingship and not institute evil practices or give his agreement to the taking of life unjustly. It was his duty to look into the actions of tax collectors and their transactions, to know the income and expenditure of the kingdom, to amass wealth and treasure for the support of the kingdom and the repelling of harm from enemies, but not so to live that he would be accused of miserliness or profligacy... It was necessary for a man to be moderate in all things because the prophet, upon him be peace, said 'The best of affairs is the Mean'. In all things let him accord the [rightful] share to God most high so that affairs may not turn against him; and according to what is possible let him command [what is right] and forbid [what is evil]... Let him exert himself in the affairs of religion so that God most high may accomplish for him the affairs of religion and of the world and fulfil his desires in both worlds" (3).

The views expressed by al-Ghazālī in the *Naṣīḥat al-Mulūk* coincide to a great extent with those of Niẓām al-Mulk (4).

(1) *Ibid.*, pp. 8-9.

(2) *Akhlāq-i Nāṣirī*, Kitāb-furūshī-i 'Ilmīya, Tehran, n. d., p. 267; *Akhlāq-i Muḥsinī*, pp. 171 ff.

(3) *Ibid.*, pp. 209-10.

(4) For a further discussion of the *Naṣīḥat al-Mulūk* see my article "The Theory

If anything, the emphasis on justice as the essential quality of the ruler is stronger. Al-Ghazālī attributes to the prophet the saying "The justice of one day of a just sultan is more excellent than the worship of sixty years," (1) and alleges that "the person most beloved of God is a just sultan and the person most despised a tyrannical sultan" (2). Justice on the part of the ruler alone, however, was not enough; and the need to prevent his officials and servants from committing tyranny is urged (3). Numerous anecdotes and traditions, genuine and otherwise, are related, designed to show that justice will be rewarded and tyranny punished in the next world. Like Niẓām al-Mulk, al-Ghazālī considers the sultan divinely chosen and possessed of the divine light. "Know", he writes, "that God has singled out two groups of men and given them preference over others: one prophets, upon them be peace, and the other kings. Prophets He sent to His servants to lead them to Him and kings to restrain them from [aggression against] each other; and in His wisdom He relegated to them (kings) the wellbeing of the lives of His servants and He gave them (kings) a high status" (4). He goes on to state that the sultan was the Shadow of God upon earth and that the divine light had been given to him. Obedience to and love for kings was, therefore, incumbent and, conversely, opposition and enmity towards them unseemly (5); but only he who acted with justice was the true sultan. Like Niẓām ul-Mulk, al-Ghazālī also quotes the saying "Kingship remains with unbelief but not with tyranny"; and, like Ibn Balkhī, holds up the rule of the pre-Islamic Persian kings as based on justice (6). The prosperity of the world in his view was brought about by the action of kings; and also

of kingship in the *Naṣīḥat ul-Mulūk* of Ghazālī", in *The Islamic Quarterly*, i, 1 (April 1954) and review of the Islamic Quarterly, vol. i, no. 1, April 1954 by Prof. B. Lewis in *BSOAS* xvii, 2, p. 400. The *Naṣīḥat al-Mulūk* was written for Sanjar (see al-Ghazālī, *Faḍā'il al-Anām*, ed. 'Abbās Iqbāl, Tehran, 1954, p. 11) and not, as stated in my article, for Muḥammad b. Malikshāh.

(1) *Naṣīḥat al-Mulūk*, p. 8.
(2) *Ibid.*, p. 9.
(3) *Ibid.*, pp. 18ff.
(4) *Ibid.*, p. 39.
(5) *Ibid.*, pp. 40 and 90.
(6) *Ibid.*, pp. 40-41.

its ruin, which might result from either the weakness or the oppression of a king (1). Although the main emphasis is on the desirability of justice from the point of view of the religious ethic, al-Ghazālī points out that expediency also demands the practice of justice. "The efforts of these (the Persian) kings to make the world prosperous", he alleges, "were because they knew that the greater the material prosperity the more extensive their dominions and the more numerous their subjects. They knew the sages had rightly said 'religion depends upon kingship, kingship upon the army, the army on wealth. wealth on material prosperity, and material prosperity on justice'. They forgave their subjects much because they feared that the people would not achieve stability with tyranny and injustice, cities and areas would become ruined, the people flee and go to another kingdom, and material prosperity be turned into ruin, kingship decay, revenue decline, the treasury become empty, and the livelihood of the people be dried up. The people do not love a tyrannical king and always curse him" (2). Justice for al-Ghazālī meant complete impartiality in giving judgement and in according to the people their due (3), rather than the observation of the 'mean'. Quoting a tradition, he states, "Justice is the might of religion and the power of sovereignity and in it lies the wellbeing of the common people and the elect" (4); and that person most fitted for high position and sovereignity in his view was he "whose heart is the seat of justice, his residence the resting place of the pious and the wise, and his heart the storehouse of [the sayings of] learned men, and who associates with men of reason and judgement" (5). Further, "since God most high gave such a high rank and status to someone so that obedience to him was linked to obedience to God and His prophet, it was incumbent upon the king to obey God, carry out what God had commanded by way

(1) *Ibid.*, pp. 40, 55, and 68.
(2) *Ibid.*, p. 48.
(3) Cf. *ibid.*, p. 61.
(4) *Ibid.*, p. 79. This tradition is also quoted by Niẓām al-Mulk, p. 44.
(5) *Ibid.*, p. 80.

of justice and beneficence, keep tyranny far from the subjects, and extend mercy to the oppressed" (1).

The *Naṣīḥat al-Mulūk*, as might be expected, is permeated by the Islamic ethic. This is not the case with all mirrors. The range is a wide one. Some like the *Qābūs-nāma*, composed about the year 475/1082 by Kay Kā'ūs, the grandson of Qābūs b. Wushmgīr, for his son, Gīlānshāh, are frankly based on expediency. Kay Kā'ūs urges his son to be guided in all things by wisdom and justice (2). There is no question in the *Qābūs-nāma*, any more than there is in the *Siyāsat-nāma*, of the possibility of a state based upon a contract between the ruler and the ruled. The distinction between them is emphasized and the need for the ruler to be held in awe is underlined. Expediency and distrust are the keynotes of the theory of state put forward in the *Qābūs-nāma*. The practice of justice is held to be necessary, but the reason for this is expediency. Wrongdoers were to be severely punished. "What difference is there", asks Kay Kā'ūs, "between a king whose writ is not effective and other men? Let his son realize that the order of the kingdom lay in the effectiveness of his writ, for if there was no effective authority, disorder would appear in the kingdom. Effective authority was only possible through punishment. Therefore there should be no falling short in the execution of punishment so that, as a result, orders would be carried out. Further, his son must not empower the army over the "civil" population because, if he did, the country would not become prosperous. He must look after the welfare of the subjects (i.e. the "civil" population) just as he looked after that of the military, because the king is like the sun which cannot shine on one and not on another. If one made the subjects obedient by means of the army, one supported the army by means of the subjects. The kingdom is made prosperous by the subjects, because revenue is acquired through them; and they remain where they are and become prosperous through justice" (3).

(1) *Ibid.*, p. 94.
(2) *Qābūs-nāma*, p. 134.
(3) *Ibid.*, pp. 133-4.

Then addressing his son with greater urgency, he writes, "Do not allow injustice to enter your heart, for the house of just kings endures and becomes old but the house of the unjust quickly disappears, because justice means prosperity and injustice ruin... The sages have said 'the source of material prosperity and happiness in the world is a just king and the source of ruin and sadness a tyrannical king.' " (1).

The Mongol invasion, which extinguished, in 1258, the 'Abbasid caliphate, at first glance might be expected to mark a major break in the theory of the ruler; but since the medieval theory had already come to ignore the historic imamate and to regard the sultan as the Shadow of God upon earth the break in political theory was not of a fundamental nature. Three main trends can be distinguished in the medieval theory in Persia in Mongol and post-Mongol times; they are, however, closely interrelated and all of them are rooted in the pre-Mongol period. These trends are severally represented by (i) the writers who draw their main inspiration, whether directly or indirectly, from al-Fārābī and, through him, from Plato and Aristotle; their main theme is the philosopher king and they are influenced in the first instance by Greek philosophy rather than Sasanian theory; (ii) those who are influenced by the conception of the philosopher king but interpret it in terms of Sufism and possibly go back to Shihāb ad-Dīn Suhrawardī (d. 578/1191), who was one of the first to disassociate the imam from temporal power and maintained that the real *khalīfa* was the philosopher-king (2); and (iii) those who are in the main line of the earlier mirrors.

Naṣīr ad-Dīn Ṭūsī is immensely important in the transmission of the theory of the philosopher-king, and had great influence on later Persian, and more especially Ottoman, thought. He was by religion a Shī'ī and therefore under no compulsion, as were the jurists, to adapt theory to historic circumstances. At the end of his life he was in the service of the Mongol, Hulagu. His best known work, the *Akhlāq-i Nāṣirī*, was written shortly

(1) *Ibid.*, p. 134.
(2) See Intro. to *Ḥikmat al-Ishrāq*, ed. Otto Spies, p. 15.

before the fall of the caliphate. His debt to al-Fārābī, the first Muslim thinker to seek to harmonize the political philosophy of Plato with Islam and to assimilate the best regime as Plato understood it to the divine law of Islam (1), is considerable; and also to Ibn Sīnā, and, directly and indirectly, to Plato and Aristotle. He quotes freely from them all. Although, perhaps, primarily an epitomist and compiler, to some extent he interprets the theories he hands down, adding quotations from the Qur'an and the Traditions, and other sources to reinforce his argument.

Naṣīr ad-Dīn considers justice to be the most excellent of qualities, comprehending all other virtues. He interprets it as equipoise and divides it into what, in effect, amounted to "distributive" and "corrective" justice (2). Men were, he alleged, impelled by nature to live together and their livelihood could only be assured through co-operation, each one performing his due function. For the preservation of equity between the members of the community a divine institute, which he interprets as the *sharī'a*, was necessary, a supreme ruler, whom he equates with the imam, and a monetary currency (3). The material

(1) See M. Mahdi, *al-Farabi's Philosophy of Plato and Aristotle*, The Free Press o Glencoe Inc., N. Y. For al-Fārābī the true king was "he whose aim and purpose in the art by which he rules the cities are that he should afford himself and the rest of the people of the city true happiness, which is the end and aim of the kingly craft" (D. M. Dunlop, *The Fuṣūl al-Madanī*, CUP, 1961, p. 40). Cf. also "The King is king by the kingly craft, by the art of ruling cities and by the power to employ the kingly art, at whatever time he has come to be chief over a city, whether he is known for his art or is not known for it, whether he has found implements to use or not, whether he has found people to receive from him or not, whether he is obeyed or not, just as the doctor is doctor by the medical craft, whether men know him for it or not, whether artificial implements are ready for him or not, whether he has found people to serve him in carrying out his orders or not, whether he has met with sick persons to receive his words or not, and his medicine is not deficient if he has none of these things. Similarly the king is king by the craft and the power to employ the art, whether he rules over people or not, whether he is honoured or not, whether he is rich or poor" (*Ibid.* pp. 42-3). According to al-Fārābī the supreme quality of the king of the good city was wisdom. The city was united by love and controlled and maintained by justice, which followed upon love. Justice consisted in the division of the good things shared by the people of the city and in the preservation of what was divided among them. Failure to preserve what had once been divided was injustice and must be requited with a commensurate punishment (*Ibid.* pp. 50ff).

(2) *Akhlāq-i Nāṣirī*, pp. 95ff.

(3) *Ibid.*, pp. 98 and 210.

prosperity of the world was based on justice and conversely its ruin on tyranny (1). Like al-Fārābī, he discusses the good city and various other types of association. Finally he puts forward views, culled from a number of sources, on the conduct of kings and kingship without attempting to weld them into a harmonious whole. One is to the effect that the basis of the kingdom was justice. This demanded first that equipoise should be maintained between the people, whom he divided into four classes, the people of the pen, the people of the sword, merchants, and cultivators (2). Secondly justice required that the king should care for the subjects; and thirdly that they should enjoy equality in the division of good things. Having fulfilled the conditions of justice the ruler should then show beneficence towards the subjects, but not in such a way that the awe in which he was held should be diminished. The subjects should be compelled to observe the laws of justice and wisdom. It was incumbent on the king, *inter alia*, to be accessible, not to listen to the words of intriguers, to put down the tyrannical, preserve security on the roads, defend the frontiers, reward those who kept watch, associate with the learned, restrain his desires, not seek dominion, and not neglect for a moment the affairs of the kingdom (3).

One of the most interesting figures in the development of the medieval theory is Najm ad-Dīn Rāzī (d. 644/1256) (4). He belongs to the second trend. He is influenced by the conception of the philosopher king but interprets this in terms of Sufism. The greatest good was achieved when the kingship of faith and the kingship of the world were united in one person. For him kingship was the vicegerency of God; God had, he alleged, placed obedience to learned and just kings on a par with obedience to Himself and His prophet. Three main qualities characterised the king: justice, beneficence, and accessibility. By justice he meant basically what the *fuqahā*

(1) *Ibid.*, p. 99.
(2) *Ibid.*, pp. 261-2.
(3) *Ibid.*, pp. 261ff.
(4) See also my article *"Quis Custodiet Custodes"*, in *Studia Islamica*, fasc. V, pp. 138ff.

meant by *'adl*. The king was to free his soul from carnal desires and bring them under the control of the *sharī'a*, abandon natural and carnal desires, and turn his heart to God so that he might become worthy of the favour of the grace of God, be strengthened by divine support, empowered, as the deputy of God, over His servants, approach nearer to God in every effort he made and in every measure he took, and be more honoured in the courts of God. The second characteristic with which the ruler was ideally endowed was beneficence, which meant, in the exposition of Najm ad-Dīn, the dispensation of justice, refraining from tyranny, the preservation of equality between the subjects, not empowering the strong over the weak, and not placing the load of the rich upon the poor; showing courtesy and generosity to the subjects, treating the strong with civility, and succouring the poor and those with large families with alms and daily bread; making himself responsible for the (welfare of) travellers; treating the abstinent and learned with respect and seeing they had sufficient allowances; stimulating the students of religious sciences to study, enquiring after them and giving them what they needed by way of allowances; holding the righteous and the servants of God in respect; so acting that the thoughts of the Sufis and the devout might be with him, relieving their needs, and consulting them concerning the affairs of the kingdom; respecting the sayyids and seeing that they received their dues, and giving them, if they could not be given alms *(ṣadaqa)*, gifts and allowances; associating with darvishes and mystics, giving help to them in a lawful way and seeing they were free from anxiety so that, with collected minds, they might occupy themselves with God, because the world was made stable by the blessing derived from their activities; and this group had (the right to) a share of the public treasury, which it was incumbent to give to them even if, because of the greatness of their religion and high aspiration, they did not demand it. The third quality which characterised the ideal ruler was his accessibilty, which meant that he would give each man his due (1).

(1) *Mirṣād al-'Ibād, min al-Mabda' ilā'l Ma'ād*, pp. 246 ff.

Najm ad-Dīn also meant by justice full and perfect obedience to God; and he further defines beneficence in an essentially practical way. "The worship (of God) and the beneficence of a king does not consist in being occupied in supererogatory religious actions or spending his life in prayer, fasting, and meditating on the Qur'an; or in solitude, detachment and privacy; or in neglecting the interests of the people, depriving those who are in need, remaining in ignorance of the wellbeing or corruption of the kingdom, and handing over the subjects to the hands of tyrants. This belongs to those actions which are a great rebellion [against God]. The beneficence of a king lies in this that after the performance of obligatory religious duties he turns his attention to the affairs of the kingdom, investigates the condition of the country and the people, and exerts himself in according to the people the rights they enjoy as Muslims" (1). It also lay in personal rectitude "so that the duty of exhorting to righteousness and forbidding from evil would not be neglected, and the affairs of the righteous would prosper; buffoons and jesters *(ahl-i ḷarab va maskharagī)* would not be encouraged; and extortioners, base and ignoble persons, detractors, informers, tyrants, and persons with disordered minds would not be found at the royal court representing tyranny and evil to the king in the guise of what is good, and putting themselves forward, with their evil intentions, as the friends and wellwishers of the king and as those who would increase the [income of the] public treasury" (2). It is hard to believe that these words and the following are not a protest against contemporary practices. "The beneficence of a king towards the kingdom" Najm ad-Dīn continues, "lies in not instituting evil customs, increasing the taxes *(kharājhā)*, putting tax districts up to contract, increasing the revenue demand, or putting up to contract what has formerly not been so put up (3). The beneficence of the king lies in this that he should not allow [his officials] to trump up pretexts against the

(1) *Ibid.*, p. 249.

(2) *Ibid.*, pp. 249-50.

(3) *'amalhārā qabāla nakonad va dar amalhā nayafzāyad va bar ba'ẓī chīzhā kih qabāla nabūda qabāla nanihad* (p. 250).

people, seek their loss, mulct them, allow crimes to go unpunished, accuse the innocent falsely, allow the guilty to go free, and lay unnecessary quotas and impositions upon the people. The beneficence of the king lies in this that he should not seize illegally the inheritance of orphans, lay dues upon merchants and sales, or take tolls on the roads. The beneficence of the king lies in this that he should exert supervision so that [his officials] should not interfere in *awqāf* and illegally take possession of them; or withold dues from those entitled to them; or demand bribes, misappropriate the revenues of *awqāf*, or act wrongly in the matter of the allowances and pensions of imams, sayyids, the abstinent, the devout, the righteous, *'ulamā*, darvishes, and mystics, and seek to render void at the king's court such charitable bequests. The beneficence of the king lies in this that [he should not allow his officials] to keep the needy away from his court, but that they should represent their condition to the king, and that he should not begrudge to the deserving charity, alms, and gifts... The beneficence of the king lies in this that he should not embolden his intimates to commit tyranny, or empower them to covet wealth or amass [the goods of] this world, so that they do not strive to collect wealth by lawful or unlawful means, shed the blood of the poor, or lay up gold, wealth, and goods... [as for those who did] although they claimed to be the friends of the king, the beneficence of a prosperous and clear-sighted king demanded that he should not admit to his court such corrupt and evil persons or appoint them to any post " (1). Here the implicit protest made by Najm ad-Dīn against the evils of the age is underlined by his pointing out that those not endowed with the qualities of the ideal king, "because of the greed for worldly things which possesses the people of the day, have admitted to their presence, extortioners, men of evil origin, and thieves" (2).

(1) *Ibid.*, pp. 250-1.

(2) *Ibid.*, Ḥusayn Vā'iẓ Kāshifī writing on the duties of the king's retinue has a somewhat similar condemnation of the amirs. He writes, "the custom of the amirs is to strive to acquire wealth, not from the shah, but from their position, that is to say, when they attain power, they strive on their own behalf and exert themselves to acquire wealth" (*Akhlāq-i Muḥsinī*, p. 293).

Lastly the beneficence of the king lay in this that he would not be taken in by the false vanities of the world and not commit oppression (1). The essentially practical nature of the exposition of Najm ad-Dīn is also apparent in the emphasis which he lays on the need of constant supervision by the king and his statement that the allowances of the various classes of officials and others should be paid in full (2).

The duties of the king fell under two main heads; his duty towards God and his duty towards men. Under the first head he was enjoined to carry out the commands of God, refrain from following his own passions, and give thanks to God for the blessing of kingship by promoting and strengthening religion. So far as his attitude to the people was concerned he was to bring them under the protection of his rule and give them due reward for service to the kingdom. In equity and justice he was to show beneficence and liberality to men of learning, and to close the door to the wicked and tyrannical (3). Practically, his primary function was to judge. Najm ad-Dīn interprets the command "judge the people with truth" to mean that the king must judge his subjects in person as far as possible and not delegate his function to others. He was to judge with righteousness and truth in accordance with the commands of God (4). His second main duty was to undertake the subjection and punishment of infidels, the wicked, and heretics (5). Najm ad-Dīn was writing at the time of the Mongol invasion when the problem of the defence of the *dār al-islām* had received a new urgency. He urges, somewhat unrealistically perhaps, the duty of the ruler to undertake holy war and raids against the infidels (6).

The primary purpose of kingship was the establishment of conditions in which religion would prosper; and in order that this might be achieved it was necessary, above all, that the king

(1) *Ibid.*, pp. 251-2.
(2) *Ibid.*, p. 258.
(3) *Ibid.*, p. 244.
(4) *Ibid.*, p. 235.
(5) *Ibid.*, p. 239-40.
(6) *Ibid.*, p. 248.

should rule—weakness led to disorder and disorder to injustice. The only sanctions envisaged by Najm ad-Dīn, as in the classical theory, were moral and ethical. Thus, "if the king in [the exercise of] sovereignty spreads justice among the subjects and lives dispensing equity, restrains the tyrannical from oppression and the wicked from evil, strengthens the weak, educates the amirs, holds the *'ulamā* in respect so that they become avid of acquiring a knowledge of the *sharī'a*, gives blessings and security to the righteous so that they become more desirous of righteousness and worship, exhorts [the people] to righteousness and forbids [them] from evil so that in the whole empire the subjects are engaged in the practice of the *sharī'a*, the fostering of religion, and the observation of the limits and duties imposed by the *sharī'a*, makes completely secure the roads of the empire for travellers, and restrains the evil of the accursed infidels from the kingdom and the subjects, so that throughout the kingdom they may engage in the practice of the *sharī'a*, the fostering of religion, and the observation of the limits and duties imposed by the *sharī'a*, every [act of] worship and prayer by the people of his kingdom, every comfort which they obtain, and the satisfaction of God most high [in these things] will all, of necessity, be written in the register of his (the ruler's) righteous transactions; and similarly every act of evil, wickedness, sin, oppression, and tyranny which he restrains will be a means for him to approach nearer to God"(1). The ruler was, in short, so to rule that religion could flourish, and so that each one in his own particular sphere should be given the opportunity of attaining to perfection. His function was to fulfil the obligations of sovereignty by the spread of justice and care for his subjects.

One of the best known post-Mongol examples of the third trend, namely the mirrors, is the *Akhlāq-i Muḥsinī* of Ḥusayn Vā'iẓ Kāshifī, which was written in 900/1494-5 and dedicated to the Timurid ruler of Herāt, Ḥusayn Bāyqarā (2). Justice

(1) *Ibid.*, p. 237. Cf. also pp. 234-6.

(2) Ḥusayn Vā'iẓ Kāshifī was a prolific writer; he also translated into Persian, under the title *Anvār-i Suhaylī*, Ibn al-Muqaffa''s *Kalīla wa Dimna*.

in the thought of Ḥusayn Vā'iẓ Kāshifī comprises both the strict requital of good and evil, in which sense it is closely connected with punishment *(siyāsa)*, and the fulfilment of the duties of religion, which results in equipoise and harmony. So far as he treats of justice as a personal quality he includes it under *adab*, "civility", defining this as following the prophet in all conditions. "Civility," he states, "is pleasing in everyone but especially in kings ruling the world and great sultans. Whenever they proceed firmly along the path of civility it will be incumbent upon their retinue also to observe civility; and in this way the subjects also will not be able to stray from the path of civility, and so the affairs of the kingdom will be well-ordered" (1).

Ḥusayn Vā'iẓ Kāshifī's exposition owes much both to Islamic theory and to the works of the philosophers. Like Naṣīr ad-Dīn, he believes that men are impelled by nature to live together, but that their natures, tastes, and needs being different, a law was necessary to regulate their affairs and prevent the aggression of one against the other. Similarly, he interprets this law in terms of Islam and justifies kingship in the following words: "This law was a divine law inspired by God and brought by the prophet; and when the prophet instituted a law and regulation, someone was needed to maintain that law by his power and dignity, and to prevent anyone transgressing its limits; this person is called the king. Thus the rank of kingship is the rank of prophethood, because the prophet is the founder of the *sharī'a* and the king its defender and protector. Hence it is said 'kingship and religion are twins'... And therefore God most high enjoined obedience to kings and sultans after obedience to Himself and His prophet, saying 'Obey God, and obey the prophet, and those who enjoy authority among you'. Consequently the king must be endowed with the characteristics of him who brought the *sharī'a* so that he can guard the limits of the holy law according to the conditions laid down therein" (2). By implication, therefore, the king must be distinguished by *'adāla* just as the prophet had been.

(1) *Akhlāq-i Muḥsinī*, pp. 29-30.
(2) *Ibid.*, pp. 7-8.

Justice in the exposition of Ḥusayn Vā'iz Kāshifī was the paramount virtue; through it the world was made prosperous, and by it the order of the kingdom was preserved. He regards the just king as the Shadow of God upon earth (1); and for him the just king was the king who implemented the *sharī'a* (2). On the other hand, in his description of justice as the preservation of equality between the people, and as consisting in not making one group dominant over another but keeping each group in its proper place, he is influenced by the philosophers' conception of justice. Like Naṣīr ad-Dīn he divides the people into four basic classes: "the people of the sword, such as amirs, who are like fire, the people of the pen, such as wazirs and scribes, who are like the air, people of business, such as merchants and craftsmen, who are like water, and those engaged in agriculture, who are like the earth. Just as the human constitution is upset if one of the four elements achieves domination, so the constitution of the kingdom is destroyed, the well-being of the world cut off, and the affairs of men fall into disorder, if one of these groups achieves dominance over the others" (3).

One of the principles of justice was that the king would listen to the words of the oppressed and give redress. In this capacity Ḥusayn Vā'iẓ Kāṣhifī compares him to a physician (4). Considerable emphasis is laid on the need for punishment *(siyāsa)* (5). This follows logically from Ḥusayn Vā'iẓ Kāshifī's conception that kingship was made necessary by the aggressive nature of men. He sees punishment by kings as complimentary to the religious law; without it the affairs of religion would not achieve order. He also considers it a necessary concomitant to temporal rule. The wellbeing of both temporal and religious affairs demanded punishment, without which there could be no justice. Continuing the comparison of society with natural phenomena he states "Wise men have said, 'sovereignity is

(1) *Ibid.*, pp. 43ff.
(2) *Ibid.*, p. 159.
(3) *Ibid.*, p. 48.
(4) *Ibid.*, pp. 50 ff. Cf. also Naṣīr ad-Dīn, *Akhlāq-i Nāṣirī*, p. 259.
(5) *Akhlāq-i Muḥsinī*, pp. 164 ff.

like a sapling and punishment like water. It is necessary to keep the root of the tree of sovereignty freshened with the water of punishment so that it may bear the fruits of security and peace'" (1).

Another principle of justice was that the king would sincerely desire the wellbeing of his subjects, "because", he states, "the intention of the king in this connexion is completely effective: if his intention is justice, the result will be blessing and [the country] will become populous; but if, God forbid, the contrary is the case, blessing will depart, the crops will not give their increase, and the population will be scattered" (2). Ḥusayn Vā'iẓ Kāshifī in thus applying the belief in *barakat* to the person of the king implicitly attaches to him a spark of divine personality such as was attached, in popular religion, pre-eminently to the person of Muḥammad.

Justice in the view of Ḥusayn Vā'iẓ Kāshifī resulted in the endurance of the kingdom and its happiness, a full treasury and the flourishing condition of villages and cities. The fruits of tyranny, on the other hand, were the decline of the kingdom and its destruction (3). "Sovereignity", he states, "has four pillars, in the absence of which its affairs cannot proceed. These are first an amir who will defend the frontiers of the kingdom and repulse the evil of enemies from the king and his subjects; secondly a wazir, who will provide the subsistence of the sultan and his retinue, and will collect taxes and expend them; thirdly a judge, who will investigate the affairs of the people on behalf of the sultan, exact redress for the weak from the strong, frustrate the corrupt, and overthrow the wicked; and fourthly an upright *ṣāḥib khabar* who will continually report to him what happens in the capital and the provinces and the condition of the select and the common people " (4). This in effect is an application to the conduct of affairs of the old maxim "There is no kingdom without an army, no army without

(1) *Ibid.*, p. 168.
(2) *Ibid.*, p. 57.
(3) *Ibid.*, p. 60.
(4) *Ibid.*, pp. 256-7.

wealth, no wealth without material prosperity and no material prosperity without justice."

To sum up, the main features which distinguish the medieval theory from the classical are the outcome of influences derived from the Sasanian theory of the state and Greek philosophy. These influences were not wholly absent from the classical theory but they became more marked in the medieval theory. The protest of Abū Yūsuf against the cult of Sasanian tradition prevailing in his day proved in vain. The divergence in practice and theory from the ideal of the early caliphate increased as time went on. From Sasanian sources came the theory of the ruler as the Shadow of God upon earth; to this was assimilated the hellenistic idea of the philosopher-king. From both Sasanian and Greek sources came the doctrine of the 'mean', which was to be achieved by the maintenance of equipoise, and which tended to express itself in a tendency towards conservatism. These borrowings, however, are permeated by Islam. Obedience to the just ruler, the Shadow of God upon earth, is equated with obedience to God and His prophet. The philosopher-king is interpreted to be the imam; and the law, which, in the theory of the philosophers, preserves equipoise, as the *sharī'a*. Justice, rather than right religion, became in the medieval theory the foundation of righteous government, but the purpose of government remained the establishment of conditions in which, under the just ruler, the right religion could be lived and Islamic virtues practised. The ruler's task was to maintain the balance of mundane society giving each group within society its due place and function. The reign of justice was seen, not in legal terms, but as the harmonious relationship of society in a divinely appointed system, the component parts of which were in a perfect equilibrium. Ethics, not politics, provided in the medieval, as in the classical theory, the social ideal; and political thought was directed primarily to the attainment of that ideal.

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# TRENDS IN THE POLITICAL THOUGHT OF MEDIEVAL MUSLIM INDIA [1]

Generally the basis of Muslim political thought in Medieval India is the concept of necessary harmony between religion and state. According to al-Bīrūnī, "if... the form of state or society rests to some degree on religion, these twins, state and religion, are in perfect harmony, and their union represents the highest development of human society" [2]. The form in which this harmony between religion and state was emphasised in Medieval Muslim Indian political thought was largely based on the principles developed by Niẓām al-Mulk, especially the close co-operation between the sulṭān and the selfless '*ulamā*', Muslim monopoly in administration, the role of the sulṭān's *firāsat* (insight, sagacity, discernment) as a kingly merit, and the conception of diplomacy as essentially political espionage [3].

Fakẖr Mudabbir's *Ādāb al-mulūk*, written in the reign of Nāṣir al-dīn Maḥmūd (1246-1266), transplanted Niẓām al-Mulk's

(1) Professor G. M. Wickens has kindly read through an earlier draft of this article and made some very useful suggestions.

(2) Abū Raiḥān al-Bīrūnī, *Kitāb al-Hind*, Eng. tr. E. C. Sachau *(Alberūnī's India)*, London 1910, I, 99. Professor Wickens has drawn my attention to the same view as stated in some detail by Firdawsī, *Sẖāh Nāma*, ed. Turner-Macan, Calcutta 1829, 1412-13, and by Naṣīr al-dīn Ṭūsī, *Aḵẖlāq-i Nāṣirī*, Lahore 1952, 280-81. In al-Ġẖazzālī (*Iḥyā al-'ulūm*, Cairo 1346/1927, II, 123) it emerges as an Islamic political doctrine; also in Niẓām al-Mulk (Schefer), 55, where it occurs as an apocryphal *ḥadiṯẖ;* cf. G. E. von Grunebaum, *Medieval Islam*, Chicago 1961, 154, 353; and A. Christensen, *Les Gestes des rois dans les traditions de l'Iran antique*, Paris 1936, 92.

(3) Niẓām al-Mulk, *Siyāsat Nāma* (ed. Ch. Schefer, Paris 1891), 54-5, 87-8, 138-56.

ideas into Muslim India, specifically his emphasis on the Muslim monopoly of the higher administration (1). The theory that state and religion are twins must have received further emphasis at this stage when some of Ghazzālī's (2) works were translated in India into Persian, and this theory seems to have influenced later the political, administrative and missionary policies of Muḥammad ibn Tughluq (1325-1351) (3), culminating in the organization of the administration and judicial system of the state as a theocracy by Fīrūz Tughluq (1351-1388), with its codification in the *Fiqh-i Firūzshāhī*.

Coming back to Fakhr Mudabbir it has to be realised that he was writing at a juncture when Muslim India was faced simultaneously with the Mongol peril from abroad and stiff Hindu resistance in a newly conquered country at home. He reflects therefore a consciousness of Muslim insecurity and the pivot of his thought is the survival of Muslim power in India. If a Muslim city is besieged by non-Muslims, Muslim women can march to its defence without the permission of their men, and slaves without the permission of their masters (4). The Muslims, before they invade a non-Muslim (in this context Hindu) territory should formally invite their oponents to accept Islam or pay *jizya*, which is payable 'by people of non-Arab origin' including Jews, Christians, Sabeans, Zoroastrians and idol-worshippers (Hindus), but not by Arab pagans, apostates, women, children or the blind (5). In this transposition of the classical theory to the Indian situation the distinction made between idolatory in pagan Arabia and India is interesting in view of the popular sanction of iconoclasm in India equating Indian paganism with that of the Arab *jāhiliyya* (6); while the

(1) Fakhr Mudabbir, *Ādāb al-mulūk*, I. O. Pers. Ms. 647, ff. 35b-46b ; cf. Niẓām al-Mulk 138-56.

(2) S. M. Ikrām, *Āb-i Kawthar*, Karachi 1958, 137 ; Maḥmūd Sherānī in *Urdu*, Delhi, January-April 1943, 95.

(3) Ḥāmid ibn Faḍl-Allāh Jamālī, *Siyar al-'ārifīn*, I. O. Pers. Ms. 1313, f. 211b ; Muḥammad ibn Tughluq, Fragment of his Memoir in B. M. Add. 25, 785, ff. 317 a-b.

(4) Fakhr Mudabbir, f. 112b.

(5) *Ibid.*, f. 113a.

(6) Cf. Minhāj al-Sirāj al-Jūzjānī, *Ṭabaqāt-i Nāṣirī*, Bibl. Ind. Calcutta 1863, 9-10 ; Sujan Rāi, *Khulāṣat al-tawārīkh*, I. O. Pers. Ms. 1657, f. 112 b.

specific reference to the applicability of *jizya* to the non-Arabs is a curious survival of the tradition of Umayyad revenue policy concerning the *mawālī*, even though it had been superseded centuries ago by the practice of the 'Abbāsids and their successor states. Within the Muslim state the society is to develop on the classical principle of political dualism, with a Muslim ruling class and a subordinated *ḏhimmī* element which is to be demonstrably and conspicuously placed in a position of discriminated inferiority (1). The barrier against this dualistic class-structure is elastic for a one-way traffic from the non-Muslim to the Muslim social entity, but not the other way round; there can be conversion, but there can be no apostasy tolerated by the state, except in the case of women who should not be executed but imprisoned for apostasy until they return to the Muslim fold (2).

The next surviving document emphasising this trend of Muslim political thinking in Medieval India is the historian Ḍiyā al-dīn Baranī's *Fatāwā-i jahāndārī* (3). The convention used by Baranī is that of a series of lectures supposed to have been delivered by Maḥmūd of Ġhazna (just as a number of anecdotes underlining kingly virtues and wisdom were fathered on this 'ideal' Muslim Sulṭān by Niẓām al-Mulk, 'Awfī and later by 'Iṣāmī) to his sons, a technique of 'oratio recta' which Baranī also used in his history, the *Tārīḵh-i Fīrūz Shāhī*, attributing his own views to Iletmish or Balban (4).

The pivotal point on the positive side of Baranī's political thinking is his emphasis on justice *('adl)*, the fair administration of which he considers necessary for the promotion of the tenets of Islam in India. The Muslim sulṭān is warned against shedding innocent Muslim blood (comparable with his denunciation of Muḥammad ibn Tuġhluq on this point in his *Tārīḵh*) or

(1) Faḵhr Mudabbir, 113b.

(2) *Ibid.*, 113b-114a.

(3) Diyā al-dīn Baranī, *Fatāwā-i jahāndārī (FJ)*, I. O. Pers. Ms. 1149; Eng tr. recently published in M. Habib and Afsar 'Umar Khan, *The Political Theory of the Delhi Sultanate*, Delhi 1961, pp. 1-116.

(4) Cf. P. Hardy, "The Oratio recta of Barani's *Tārīḵh-i Fīrūz Ṣhāhī*", *BSOAS* (1957), 315-22.

appropraiting Muslim property (1). In relation to Hindu subjects (as distinguished from Hinduism) Baranī's conception of justice is transmuted to clemency or mercy, such as suspension of *jizya* when the crops fail (incidentally this again shows that in his mind as in the minds of early Muslim historians the distinction between *jizya* and *ḵẖarāj* is blurred), or distribution of state charity to the needy among the non-Muslims (2).

Baranī emphasizes dualism as a principle of God's creation. Everything has been created in pairs of opposites: peace and strife, day and night, earth and sky, faith and infidelity, monotheism and polytheism. Good is inconceivable without evil which illuminates the goodness of good. The same principle of a co-existential pair of opposites applies to Islam and *kufr*. The latter proves the former to be true and itself to be false by the mere fact of co-existence (3). From this situation follows the logical conclusion of an unavoidable conflict between the opposites, and the moral necessity of the victory of the true over the false, of Islam over unbelief. For the achievement of this victory Baranī does not look up to the inherent moral force in the religion itself, but to the external might of the Muslim sulṭān, who is regarded as the 'shadow of God', and in this capacity has his prescribed obligations, such as the propagation of Islam, promulgation of Islamic principles in government, enforcement of the political superiority of the Muslims, and annihilation of the enemies of the True Faith (4). This last point lands Baranī into a position quite contradictory to his original philosophical premises of the duality and therefore co-existence in all fields of existence. Thus on the question of *jizya* his views are closer to the Sẖāfi'ite position (5) rather than the Ḥanafite policy of the Delhi Sultanate. In any case he would not permit open idol-worship or public celeberation of Hindu religious festivals, as this would weaken the precarious hold of Islam in India (6). A sulṭān who has no love for the

(1) Baranī, *FJ*, 45a-50a, 94a, 133b-134b, 147b.
(2) *Ibid.*, 179a.
(3) *Ibid.*, 117b-118a.
(4) *Ibid.*, 15a-16b, 99a, 118b.
(5) *Ibid.*, 9a-12a, 119a et sq.
(6) *Ibid.*, 119a-b.

infidels, who humiliates the enemies of the *sharī'a*, who promotes the principles of the True Faith and eradicates paganism will be saved from the temptations of personal sin (1). The Muslim sulṭān is 'bound in duty' to humiliate the Hindus 'who are the worst enemies of God and his Prophet'; the face of the sulṭān 'should flush with anger' when he sees the Hindus, especially the Brahmins, priests of unbelief. He 'should not let any of them live in peace or honour, let alone promote them to positions of power and authority' (2).

Such outbursts in the medieval Muslim Indian political thought generally follow periods or events seriously challenging the security of Muslim political power in India. In Baranī's *Fatāwā-i jahāndārī* which, as Habib has recently shown, (3) was written probably after his *Tārīkh*, i.e. in the reign of Fīrūz Tughluq and certainly not before the reign of Muḥammad bin Tughluq, his aggressive pseudo-religious emotionalism is therefore the theoretical crystallization of the reaction, recorded with such bitterness, to the low-caste (4) neo-Muslim Khusrau Khān's usurpation of the Khaljī Sultanate in 1320, his subsequent apostasy, and the dance of the devils in Delhi leading to the desecration of mosques and the Qur'ān and dishonour of Muslims (5). His thoroughly aristocratic view of society can also be traced to the same source of resentment.

(1) *Ibid.*, 16a.

(2) Baranī, *Tārīkh-i Fīrūz Shāhī*, Calcutta 1862, 41-2, 44, 217.

(3) In Habib and Khan, *op. cit.*, i.

(4) The question of the determination of Khusrau Khān's caste has been the subject of lively controversy recently. Whereas the contemporary sources (Baranī, *TFS*, 408-11; Amīr Khusrau, *Tughluq Nāma*, Aurangabad 1933, 45, 24-34) describe him as a Parwarī, one of the lowest Hindu castes, and more evidence has been shown to this effect by modern historians like E. Thomas (*Chronicles of the Pathan Kings of Delhi*, London 1871, 184) and Ishwari Prasad (*History of the Qarāunah Turks*, Allahabad 1936, 9 footnote), the trend of some more recent Hindu and other Indian historians has been to regard him as belonging to a higher Hindu caste; cf. S. H. Hodivala, *Studies in Indo-Muslim History*, Bombay 1939-57, I, 369-71; R. C. Majumdar in *The Delhi Sultanate*, Bombay 1960, 44-5; S. R. Sharma, "Nasar-ud-din Khusrau Shah" in *Poldar Commemoration Volume*, Poona 1950, 70 et sq.; K. S. Lal, "Nasir-ud-din Khusrau Shah" in *Journal of Indian History*, xxiii, 169-80; A. L. Srivastava, "Origin of Nasir-ud-din Khusrau Shah of Delhi" in *Indian Historical Quarterly*, xxx (1954), 19-24.

(5) Amīr Khusrau, 24-35; Baranī, *TFS*, 408-12; Yaḥyā ibn Aḥmad Sarhindī, *Tārīkh-i Mubārak Shāhī*, Calcutta 1931, 87; 'Iṣāmī, *Futūḥ al-salāṭīn*, Madras 1948, 374-5.

Baranī divides humanity into two categories; the first consisting of the elite distinguished by learning, ability, courage, piety, and enterprise in commerce or art; and the second comprising commom men (1). Though human beings are created equal and look alike, yet a man is born with a noble or ignoble nature, and has a specific professional proclivity. Here he has undoubtedly accepted an element of the familiar Hindu caste-view. Some people, he goes on to say, are born noble *(aṣḫrāf)* endowed with aristocratic virtues; others are born ignoble *(arḏḫāl)* inheriting vices of meanness. Catastrophe comes (as it came with the rise of Ḵẖusrau Ḵẖān) when a monarch raises a person of ignoble birth and nature to a position of trust; the fabric of the state is destroyed, calamity strikes the people, and the monarch brings upon himself humiliation and doom (2).

Like Faḵẖr Mudabbir, Baranī deals at length with the qualifications of the sulṭān's advisers who should be God-fearing, steeped in historical learning, cognizant of the country's political problems, shrewd, intelligent, incorruptible, chaste, strong-willed, dignified, modest, sincere and loyal (3). They should render to the sulṭān the 'right service' which should be equally beneficial to the ruler and the ruled; they should take all eventualities into consideration; their advice should be in consonance with the teachings of the religion, combining chances of gains in this world with rewards in the next; their recommendations should lead to the easing of a difficult situation and not to its aggravation, turning the sulṭān's foes into his allies, impressing the consensus of the wise, and in consonance with the general trend of the public opinion (4).

More steeped in religio-mystical doctrine, though a foreign importation into the sub-continent and restricted in its influence to a single region, Kashmir, was the political thought of the Ṣūfī missionary Sayyid 'Alī Hamadānī, follower of the Kubrāwiyya order tracing its origin to Najm al-dīn Kubrā (5).

(1) Baranī, *FJ*, f. 55a.
(2) *Ibid.*, 216a-241b.
(3) *Ibid.*, 22a-b.
(4) *Ibid.*, 19a.
(5) And not the founder of the 'Kibrūya' or 'Kurāwiya' sub-order within the Suhrawardī *silsilah* as supposed by S. M. Ikram, *op. cit.*, 429 and I. H. Qureshi,

According to him the rights and privileges of a Muslim monarch should not exceed those of any of his subjects, obviously a fudamentalist-historical view idealising 'Umar as the example to be followed. The sulṭān's primary duty is to look after his Muslim subjects. In his personal life he should follow the four holy caliphs. He should not give way to any counter-pressure in the promulgation of the *ṣẖarī'a;* he should seek the company of true and sincere *'ulamā* and avoid that of the false ones *('ulamā-i sū);* he should uphold the Islamic ideal of justice which is to be administered with *firāsat* which can be of two kinds, philosophical or religious (1).

Sayyid 'Alī Hamadānī also divides the population of a Muslim state into the clear-cut Muslim and non-Muslim categories. For the *ḏẖimmīs* in the Muslim state he recommends some of the discriminatory formulae of dress and the other manifestations of inferiority prescribed by the classical theory which probably originated with the policies of 'Umar ibn 'Abd al-'Azīz and culminated in those of al-Mutawakkil (2), but which Hamadānī probably following Qāsim ibn Sallām attributes to 'Umar ibn al-Ḵẖattāb (3). Some of these measures must have appeared especially offensive to Brahmanical Hinduism, such as their obligation to offer hospitality to the Muslim travellers in their houses and in the guest-houses attached to their temples (4), either an intentional or unintentional challenge to the Hindu discrimination against Muslims whom they regarded as unclean *mlechchas.* It will be interesting to trace the actual influence

*The Muslim Community of the Indo-Pakistan Subcontinent*, 's-Gravenhage 1962, 58. The confusion might have been due to the fact that Hamadānī is also known as Amīr-i Kabīr. For more information on al-Kubrā and Hamadānī cf. the recent researches in Fritz Meier (ed.), *Die Fawā'iḥ al-ǧamāl wa-fawātiḥ al-ǧalāl des Naǧm ad-dīn Kubrā*, Wiesbaden 1957; J. K. Teufel, *Eine Lebensbeschreibung des Scheichs 'Alī-i Hamadānī*, Leiden-Köln, 1962.

(1) Sayyid 'Alī Hamadānī, *Dẖaḵẖīrat al-mulūk*, I. O. Pers. Ms. 1130, ff. 83a-86b; cf. Ann K. S. Lambton, "The Theory of Kingship in the *Naṣīḥat al-mulūk* of Ghazālī", *Islamic Quarterly*, I (1954) 47-55.

(2) Ṭabarī, III, 712-13, 1389-93; Ibn al-Aṯẖīr, VI, 141; Barhebraeus, *Chronography* (Eng. tr. E. A. Wallis Budge), London 1932, I, 141; al-Jāhiz, *Radd 'ala'n-naṣāra*, Eng. tr. J. Finkel, *JOAS*, xlvii (1927), 327-8.

(3) Hamadānī, 94a-95a; cf. Qāsim ibn Sallām, *Kitāb al-amwāl*, Cairo, 53, 145.

(4) Hamadānī, *loc. cit.*

of Hamadānī's political views on the policies of Sulṭān Sikandar the Iconoclast of Kashmir (1394-1416).

Under the influence of the policies of unqualified toleration and equality of rights of all citizens, Muslim or non-Muslim, initiated by Sulṭān Zayn al-'Ābidīn of Kashmir (1420-1470), and developed by Ṣher Ṣhāh Sūrī (1540-1545) and Akbar (1556-1605) as well as the Deccan Kingdoms, this process of political thinking was abondoned, but the liberal practice of the Muslim rulers did not come to be properly crystallized into political thought until the seventeenth century, though glimpses of an egalitarian and composite political attitude towards the Hindus and other non-Muslims are dispersed in the writings of Abu'l Faḍl. In the reign of Akbar the ethico-political thought of al-Dawānī was familiarised by Fatḥ-Allāh Shīrāzī and prescribed in school curricula, helping in the pragmatic study of the state as a social organism and suited to the intellectual requirements of the non-denominational society Akbar was seeking to build up.

A balanced re-orientation of the traditional Muslim political thought was continuing simultaneously as a reaction to the messianic *Alfī* movements of the sixteenth century, especially Akbar's heretical secularism, and it is characterised in the writings of 'Abd al-Ḥaqq Dihlawī by its emphasis on the sovereignty of the Muslim *ijmā'* (1) and his repetition of the Shāfi'ite formula restricting the true *ḵẖilāfat* to the four *rāṣẖidūn* (2), a refutation by implication of Akbar's claims and the *maḥḍar* of the 'ulamā (the so-called 'infallibilty decree') promulgated in 1579 delegating to Akbar the right of interpreting religious law and legislation according to his personal judgment. More aggressively insular are the views of the Naqṣẖbandī Ṣufī Ṣẖaykẖ Aḥmad Sarhindī (3) who saw in

(1) 'Abd al-Ḥaqq Dihlawī, *Takmīl al-Imān*, I. O. Pers. Ms. 2756, ff. 62a-b, 85b; for a study of 'Abd al-Ḥaqq's general reaction to Akbar's heresy and the heretical atmosphere of the imperial court vide the relevant documents in K. A. Nizāmī, *Ḥayāt-i Ṣẖaykẖ 'Abd al-Ḥaqq Muḥaddiṯẖ Dihlawī*, Delhi 1953.

(2) 'Abd al-Ḥaqq, *op. cit.*, 86a-b.

(3) For a survey of Aḥmad Sarhindī's political thought and his rôle, see Aziz Ahmad, "Religious and Political Ideas of Shaikh Ahmad Sirhindi" in *Rivista degli Studi Orientali*, xxxvi (1961), 259-270; Qureshi, *op. cit.*, 149-164.

Akbar's policies a challenge to the survival of Islam in India, and regarded Islām and *kufr* as mutually exclusive, advising Muslims to avoid all contact with the unbelievers, to hold them and their idols in contempt, and to reject the *bid'as* (innovations) borrowed from Hinduism during centuries of contact (1). Both Shaykh Aḥmad and 'Abd al-Ḥaqq entered into active correspondence with the orthodox nobles of the court like Shaykh Farīd (2) with a view to reestablishing religious conformity in the court of Akbar's successor Jahāngīr.

Outside the theologians' and the Sūfī circles, the separatist trend in political thought also survived in the reign of Jahāngīr (1605-1627) in the work of Muḥammad Bāqir Khān who emphasises the adherence of the laws of administration to the *sharī'a*, and considers the interpretations and rulings of *'ulamā* as necessary for the correct guidance of statecraft along with the advice of capable councillors (3). In his modified acceptance of the division of society into four groups, he follows the Greek tradition as known to the Muslim writers through the works of al-Dawānī and Wā'iẓ al-Kāshifī, corresponding to the four castes of the Hindus, though Bāqir Khān's divisions apply only to the court society and not to humanity in general. He divides the courtiers in order of merit into generals who defend the country, the ministers who wield the pen instead of the sword and are therefore potentially less dangerous to the monarch, the administrators of justice, and the intelligence officers (4). On this last point, in defining the virtues of a courtier, and in his view that no one should be given more than one administrative post at a time, he follows Niẓām al-Mulk (5). In his emphasis on justice he reflects not merely the tradition of Muslim political thought but also Jahāngīr's emphasis on justice as the chief responsibility of the ruler (6).

(1) Shaykh Aḥmad Sarhindī, *Maktūbāt*, Luckbow 1877, I, 163-5, 193; II, 339; III, 36-77 and passim.

(2) For his life Shāh Nawāz Khān, *Ma'āthir al-umarā*, Calcutta 1888-90, and Nizami, *op. cit.*

(3) Muḥammad Bāqir Khān, *Mū'iẓa-i Jahāngīrī*, I. O. Pers. Ms. 1666, ff. 6b-7a.

(4) *Ibid.*, 26b-27b.

(5) *Ibid.*, 28a.

(6) *Ibid.*, 8b-11a.

On the other hand, another political writer of the age of Jahāngīr, Qāḍī Nūr al-dīn Ḵẖāqānī, whose *Aḫḫlāq-i Jahāngīrī* is an imitation of al-Dawānī and Wā'iz al-Kāshifī, eclectically equates justice with universal tolerance. As the basis of the efficient administration of the state justice knows neither Islam nor unbelief. Justice of a heretical ruler is more beneficial to the organised society than the tyranny of a pious sulṭān (1). Ḵẖāqānī's conception of justice is modelled on Akbar's administrative policies, while his emphasis on the *firāsat* concerns itself only with what Hamadānī had described as 'philosophical discernment', and he follows Niẓām al-Mulk in regarding it as the main source of solution in the face of a crisis (2).

The political thought of Muslim India as available today is fragmentary, found only in less known treatises which have survived in some cases in single manuscripts, and could therefore not be regarded as either popular or extensively propagated. These manuscripts have survived by chance; others stressing the same or the opposite point of view, may have been lost. So that the picture of the political thinking of medieval Muslim India which we have is a hazy one. It seems to have a continuity of emphasis which might be accidental rather than real. In any case this separatist continuity, which betrays more than anything else the Muslim in-group anxiety for survival in a hostile Indian environment, very rarely became the basis of the policy of a Muslim ruler in India. As a modern Hindu historian, Ishwari Prasad, puts it, it "was not literally followed by capable and sensible rulers who consulted their interests, but there was always a temptation before bigots and weak men to be swayed by their influence" (3).

Aziz Ahmad
(Toronto)

(1) Qāḍī Nūr al-dīn Ḵẖāqānī, *Aḫḫlāq-i Jahāngīrī*, I. O. Pers. Ms. 1547, ff. 264a-302 a.

(2) *Ibid.*, 316a-b; cf. Niẓām al-Mulk, 58, 68, 87-8.

(3) Ishwari Prasad, *op. cit.*, 256.

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